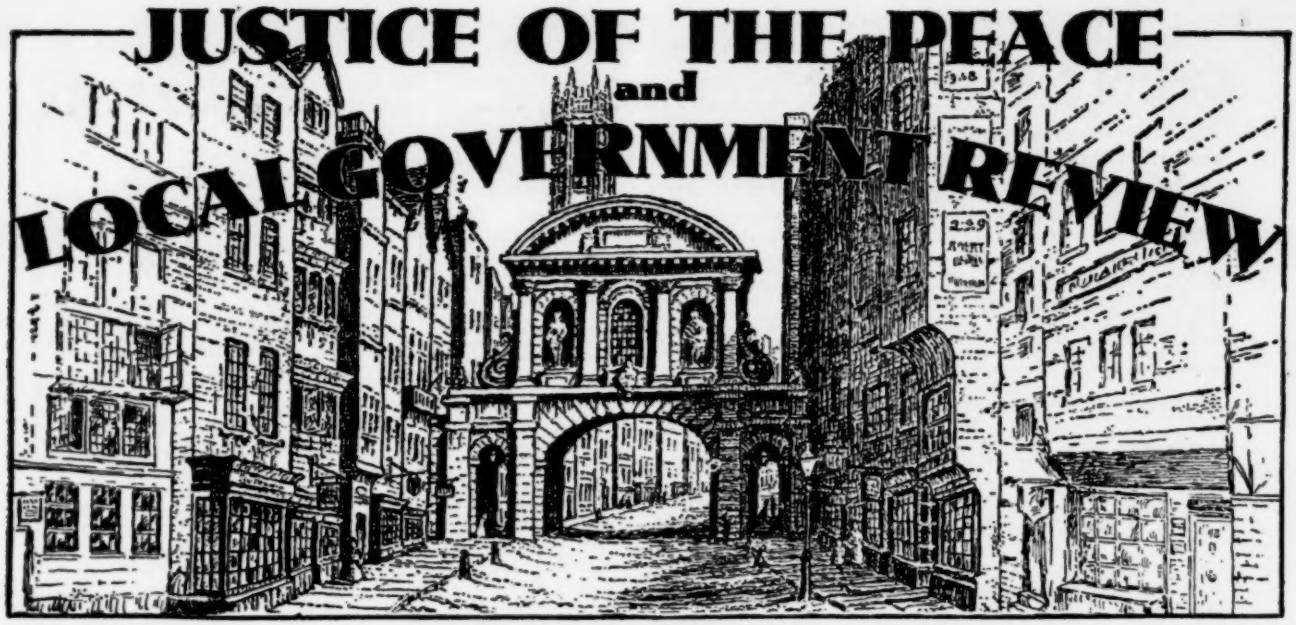

VOL. CXVII LONDON: SATURDAY, JUNE 20, 1953 No. 25

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REPORTS

Official & Classified Advertisements, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Classified Advertisements, 24 words 6s. (each additional line 1s. 6d.) Box Number, 1s. extra *Latest time for receipt* 10 *a.m. Thursday*

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NOTIFICATION OF VACANCIES ORDER, 1952

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employment, is excepted from the provisions of the Notification of Vacancies Order, 1952. *Note :* Barristers, Solicitors, Local Government Officers, who are engaged in a professional, administrative or executive capacity, Police Officers and Social Workers are excepted from the provisions of the Order.

INQUIRIES

YORKSHIRE DETECTIVE BUREAU T. E. Hoyland. **Ex-Detective Sergeant.** Member of the B.D.A., F.B.D., Associated American Detective Agencies, and the World Secret Service Association. Confidential enquiries ; Divorce, etc. ; Over 600 agents in all parts of the World. Over twenty-five years C.I.D. and Private Detective Experience at your service. 1, Mayo Road, Bradford. Tel. : 26823 day or night. Established 1945.

PARKINSON & CO., East Boldon, Co. Durham. Private and Commercial Investigators. Instructions accepted from Solicitors only. Tel.: Boldon 7301. Available day and night.

COUNTY BOROUGH OF BURTON UPON TRENT

Town Clerk's Office, Legal Department

APPLICATIONS are invited from admitted or unadmitted men for appointment to a vacant post (A.P.T. Grade Va of the National Salary Scales, £625 to £685 per annum) in the Town Clerk's Office. Applicants who are not qualified solicitors must have had extensive experience in conveyancing and drawing of leases, agreements, etc., and be capable of acting with nominal supervision.

The appointment will be terminable by one calendar month's written notice on either side and will be subject to the National Scheme of Conditions of Service and the Local Government Superannuation Act, 1937, and the successful candidate will be required to pass a medical examination by the Medical Officer of Health.

Applications, endorsed "Legal Appointment," stating age, particulars of present and previous appointments, education, qualifications and experience, together with copies of three recent testimonials, must reach the undersigned not later than June 27, 1953.

Canvassing will disqualify.

H. BAILEY CHAPMAN,
Town Clerk.

Town Hall,
Burton upon Trent.
June 11, 1953.

EAST NORFOLK PROBATION AREA

Appointment of Whole-time Woman Probation Officer

THE East Norfolk Probation Area Committee invites applications for the appointment of a Woman Probation Officer to be stationed at Great Yarmouth, whose services will be assigned to that County Borough and to adjoining Petty Sessional Divisions. The person appointed will be required to provide a motor-car for use in connexion with her duties for which use travelling allowances will be payable.

The appointment and salary will be in accordance with the Probation Rules and the selected candidate will be required to pass a medical examination.

Applications, stating age, qualifications and experience, together with the names and addresses of two persons to whom reference can be made, should be received by the undersigned not later than July 4, 1953.

H. OSWALD BROWN,
Secretary of the East Norfolk Probation Area Committee.

County Offices,
Thorpe Road,
Norwich.

COUNTY BOROUGH OF WOLVERHAMPTON

Appointment of Town Clerk and Clerk of the Peace

APPLICATIONS are invited for the abovementioned appointment which will be vacant on January 1, 1954. Applicants must be Solicitors and possess a sound knowledge of and experience in local government law, practice and administration.

The recommendations regarding salary and conditions of service of the Joint Negotiating Committee for Town Clerks will apply to the appointment.

Full particulars and form of application may be obtained from me, and applications must be received by me not later than Saturday, July 18, 1953.

J. BROCK ALLON,
Town Clerk.

Town Hall,
Wolverhampton.
June, 1953.

Justice of the Peace
and
Local Government Review
[ESTABLISHED 1837.]

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NOTES of the WEEK

The Coronation in Retrospect

So much has been said and written about the Coronation that we may perhaps be forgiven for adding a few more words in retrospect. The Coronation is over; although it was only the inception to a very strenuous programme for Her Majesty and her Consort. Soon all the foreign rulers and plenipotentiaries will have returned to their native lands and Commonwealth and Colonial representatives to their realms and territories.

We do not think that they can fail to have been impressed by the superb spectacle which they have witnessed and feel that even representatives from the Orient who are especially addicted to displays of majestic magnificence and are, therefore, connoisseurs in the matter, will return happily satisfied by the rich significance of this event.

Nor, even though they be of widely differing stock, religion or language, will the religious aspects of the ceremony be lost upon them as the symbolism in the ceremonial is so vivid that it cannot fail to leave a deep imprint upon the memory.

No one, for example, whatever his race or religion, could fail to appreciate the significance of the presentation of the Holy Bible to the Queen by the Moderator of the General Assembly of the Church of Scotland. In the words of the Moderator: " . . . Here is wisdom; this is the royal law. These are the lively oracles of God."

Nor could they have misunderstood the warmth and sincerity of the people's allegiance to the new Queen. Inside the Abbey the people " signified their willingness and joy by loud and repeated acclamations, all with one voice crying out 'God Save Queen Elizabeth'" . . . and then the trumpets sounded.

Outside the enormous multitudes standing in the rain on a remarkably cold June day left no doubt about the secure place of the Queen in the affections of her people and their respect for the monarchical institution.

The royal drives about London have continued the triumphant progress and there has certainly been no event comparable in popularity since the last Coronation. Up and down the country localities have celebrated the great day in their own characteristic way and never has unanimity been more impressive in its variety. Our correspondent was privileged to be amongst those who witnessed the ceremony in the Abbey Church of St. Peter, Westminster. He will carry the memory so vividly implanted for the rest of his life.

The use of superlative expressions upon such an occasion must seem hackneyed but the beauty of the ancient forms of service with their stately and sonorous language often surpasses description whilst as a spectacle the ceremony was superb and literally dazzling to the eye. The serried ranks of the peerage in descending order of seniority provided the most sumptuous carpet of crimson and ermin imaginable, and the great terraces of guests with so many of the men colourful in full-dress uniform or orders of chivalry and their womenfolk glittering with jewellery provided such a rich pattern which even the technical efficiency of the television camera (surpassing itself on this occasion) could not fully convey.

The arrangements reached such a high pitch of efficiency that the greatest credit is reflected on their organizers from the Earl Marshal downwards who richly deserved the honours by which Her Majesty has recognized their services.

One or two minor blemishes cannot destroy the wonderful effect of the event as a whole.

We think it was a pity that crowds in Trafalgar Square, for example, caused unnecessary casualties by failing to give a few feet when requested to do so by the police, and we do not think that the appearance of white-coated " Mrs. Mops " with carpet sweepers in the theatre of the Abbey was entirely appropriate following the ceremonial arrival of great personages of state.

We also dismiss with contempt the soured utterances of exhibitionist politicians concerning the Coronation. These have been lost in the great upsurge of national affection for the Crown and its wearer and should be left to perish in the oblivion which they deserve.

Happy indeed was the announcement of the conquest of Everest on the great day and we must pray that this gallant piece of endurance will be an inspiration to our people in the difficult (and perhaps dangerous) days ahead. It is not sufficient to talk of the Elizabethan spirit but we must each do what we can to renew it in concrete form in our new Elizabethan heritage.

Probation in Birmingham

It is common knowledge that the extent to which probation is used sometimes shows a striking contrast as between one court and another. In his annual report for 1952, Mr. Charles Garland, principal probation officer for the City of Birmingham, takes notice of this fact, and says: " If all Judges, recorders, chairmen of quarter sessions and magistrates could at some time be members of a probation committee, and particularly of the case committee, the knowledge gained would be of the greatest value; but since this is only remotely possible, the limited experience gained in the courts must inevitably leave to the Service the responsibility of supplying proof of its efficacy. This can in part be brought about by the quality of the service rendered, in supplying information about offenders and details of those special facilities known to the probation officer, and by giving factual information accurately and succinctly by expressing opinions carefully and frankly, and by accepting decisions with quiet restraint."

The follow up of probation cases for a period of years after probation has ended gives a fairly accurate picture of results.

In 1947, 239 probation cases were completed in Birmingham, 190 satisfactorily. Of the 190 satisfactory cases, 154 had committed no further offence by the end of 1952. This gives what may be regarded as a high percentage of successes, namely, sixty-four.

There was in 1952 a striking increase in the number of refractory children about whom parents consulted the probation officers. The figures were 261 in 1952 against 102 in 1951. If parents are so helpless about their children, it is not surprising that so many children find their way into the juvenile courts.

On the after-care of men released after corrective training, comment is rather more hopeful than usual. These men, says the report, are rather more confirmed in criminal ways than those who have been in borstal institutions, but it has been found that their training has given them a useful trade to follow, together with a rather more disciplined outlook which was previously negligible.

The report of the probation committee again invites the magistrates generally to consider the advantage of a remand for inquiry and consideration, after conviction, as this will help the justices to come to a wise decision, and will sometimes prevent them from making a probation order in an unsuitable case.

The probation committee refers to the shortage of men candidates for the probation service.

"Because of the serious shortage of trained men required to fill the many vacancies all over the country, permanent appointments have been made in Birmingham of men who are not Home Office trained. As new permanent appointments have to be confirmed by the Secretary of State at the end of twelve months' service, the committee are pleased to report that all appointments, where application has been made, have been confirmed. . . . Arrangements have been made for several of these officers to attend a three months' Home Office Course and excellent reports have been received by the committee on the progress made."

Report of Derby Children's Committee

In her foreword to the fourth annual report of the Children's Committee for the County Borough of Derby, Mrs. Riggott, chairman of the committee, says that local authorities can learn from each other and frequent mutual consultation, both formal and informal, has been a feature of the year. This readiness to consult with, and learn from, others engaged in the same work is characteristic of those entrusted with duties concerning the welfare of children. The Children Act, 1948, created children's committees and children's officers and these are constantly reviewing their own work and methods and trying to improve them. In her report, Miss Joan Kirk, the children's officer, observes that children's committees are enabled to pay attention to the early symptoms of family distress, whereas in the past they could help only when a crisis was reached. Children's committees are not concerned only with providing a substitute for home life in the case of children who have been deprived of it. "Children's committees are now justified in regarding as their prime function the preservation and restoration of family life, the duty to provide a permanent substitute for those children whose family life has been hopelessly destroyed or has never existed, being vital but not paramount." This is the result of experience, and as Miss Kirk says, the changing climate of opinion has been influenced by experience in the field rather than by any government action or legislative change.

Turning to the statistics for the year 1952, we note that in forty-one cases parents were helped to make their own arrangements, against twelve the previous year. This bears out the statement of policy of restoring the home wherever this is possible, rather than taking over the children from their parents. There were in addition many cases in which the children were not received into care even temporarily, other arrangements being made for them. The provision of home helps, day nursery vacancies, and school convalescent service, contributed to the solution of many a family crisis without the necessity of separation.

Foster Parents

While admitting the advantages of placing children with foster parents, the report contends that this is not the best course in every case, and that sometimes a children's home provides what is needed, especially as a temporary measure when it is hoped that the child will be able to return to his own home. Some parents are inclined to leave a child with foster parents and shirk their own responsibilities, and in such circumstances it may be preferable that a child should be in a home, receiving frequent visits from parents, rather than that he should be transferred to the care of foster parents. In any case, Miss Kirk thinks that for almost every child a short period of observation in a children's home is an advantage, while a suitable foster home is sought without undue haste.

There are some interesting examples of the good relationship between foster parents and children, and there can be no doubt that even the youngest children may crave for the love of parents. Here is an example from the report. "Brian, aged two, was told that his 'mother' was coming to see him. When she appeared next day he walked straight to the stranger, clasped her knees and said 'mother!' The staff declared they had no hand in this little drama."

An interesting and encouraging report ends thus. "A year is a short time in which to make comparisons about a young and growing service. Those parallels which have been drawn are encouraging. For the first time a substantial advance has been made in boarding out, and the ratio of discharges to admissions has improved. The numbers in the children's homes have been reduced, making possible a new standard of comfort. The Children and Young Persons Act, by giving children's committees and officers an official interest in neglected children before all hope of betterment has gone, has opened a door on which we have long been knocking."

Essex Probation Report

A probation officer's work is individual and his relationship with probationers is personal. It would be easy for a probation officer to get into set ways of his own if he had no opportunities of conferring with other men and women engaged in the same work. Realizing this, Mr. S. R. Eshelby, principal probation officer for the county of Essex, arranges periodical conferences at which problems are discussed and views exchanged. As he says, group conferences and individual conferences with officers do appear to provide a measure of help and stimulus in what, by its very nature, must be an individual task.

The question where probationers should report to probation officers sometimes proves difficult. In this report it is stated that in four areas a consulting room and a waiting room have been placed at the disposal of the probation service for this purpose at Combined Treatment Centre Clinics. One of many advantages is that a clinic is well-known in the neighbourhood and lends a cloak of respectability to cover the visit of persons who might and, indeed in certain cases ought to be sensitive about visiting a probation officer.

Probation officers frequently find it necessary that those who bring their matrimonial troubles to them should receive the advice of a solicitor. This is not always easy to obtain free of charge. The report says on this subject that though a few

solicitors have been generous in giving their services there is a need for more help of this kind, but that in view of the scheme for provision of legal aid and advice through the Legal Aid and Advice Act, 1949, but not yet extended to the lower courts, it is perhaps of little use to look for any extension of Poor Man's Lawyer's facilities in the county.

A large number of inquiries have been made for the assistance of the various courts, dealing with offenders, but Mr. Eshelby feels that this work should be extended. He says: "In spite of an increase in the number of social inquiries made by probation officers during the year, I am quite sure that in adult cases many courts are not getting all the help they might from their probation officers in the way of a social report after conviction and before sentence. The fault does not lie with the probation officers since they cannot act without instructions from the court."

We are familiar with items in reports of this kind dealing with parents who seek the advice of probation officers about difficult children, but here is something quite new to us: "It is perhaps a pertinent comment in these days of widespread complaint about lack of parental control, but, whether favourable or adverse, I am not quite sure, to record that the figures include two cases of children seeking advice about difficult parents!"

Factory Employing One Person

At p. 287, *ante*, we expressed the opinion that in s. 151 (1) of the Factories Act, 1937, the word "persons" is to be construed as including "person," in conformity with s. 1 (1) (*b*) of the Interpretation Act, 1889. There is no context to exclude this construction, which seems to us for reasons we explained to accord with the purpose of the Act. A learned correspondent, clerk to the justices in an industrial area, has courteously brought to our notice a Scottish case of last year, where the High Court of Justiciary reached the same conclusion. This was *Griffith* v. *Ferrier* (1952) Scots Law Times 248. The decision was a strong one. Defendant owned a small wood sawing plant, which normally he worked single handed, cutting logs for firewood and distributing the firewood himself. At times he had help from his father, who had given up work, and, less often, from a friend. Neither was paid wages, but they received small quantities of wood, and the friend sometimes a few shillings as a gratuity. Whether their being unpaid and not under contract affected the matter was not argued, and the Lord Justice General was careful to say that this was not being decided.

Some day this may have to be decided. Is an aged parent, who busies himself about a work-place rather than be idle, "employed" within the meaning of the definition? The possibilities are far-reaching. On the one hand, it can be said that the statute is penal, and to be construed strictly; on the other, that an unpaid worker is as much entitled to be safeguarded as one who is paid.

On the point which the High Court did decide, over-ruling the sheriff substitute below, Lord Cooper took the line we ourselves have taken at p. 287, resting his judgment upon the absence of any context to exclude the Interpretation Act, 1889, and on the policy behind the Act. He pointed out also that before 1937 there were several definitions of different types of premises; these were telescoped in s. 151 of the Act of 1937, and it was not to be supposed that the protection afforded to workpeople had thereby been diminished. He called attention also to a difference between subs. (1) and subs. (4); the latter draws a distinction according as two or more persons, or less than two, are employed, and, since no such distinction is to be found in subs. (1), the inference is that it is not implied.

Stamp Duty: Land Compulsorily Acquired

We mentioned at p. 299, *ante*, that the Board of Inland Revenue had announced a change of practice about the proper duty to be paid, where land is acquired under compulsory powers and the payment made by the purchasing authority includes compensation for damage by severance or other injury to other lands of the vendor held therewith and not taken. This change of practice follows, no doubt, a change of opinion, and is the more interesting to us because the view of the law which had previously commended itself to us had been that where (as normally happens) the compensation for severance or other injury represents part of the price or compensation payable for the land, stamp duty should be paid on the total figure. Applying the test of the hypothetical "willing seller," we considered that his willingness was produced, in law as in life, by his own estimate of what he would lose by parting with the land; Parliament may direct that this or that factor shall be excluded from his estimate, but the principle remains that (in law as in life) the total consideration for the purchase would be fixed according to the vendor's estimate of the amount which makes it worth his while to sell, that total consideration being the sum chargeable to duty. We were, however, reminded, when we expressed this view in answering a correspondent, that (in charging *ad valorem* stamp duty in such cases) the Revenue allowed exclusion of so much of the total payment as was expressed in the conveyance to represent compensation, as distinct from value of the land itself. If, as we imagine, the Board have now been advised that their practice was based on an incorrect view of the law, we find no cause for tears.

The Ministry of Pensions

The Ministry of Pensions is to be dissolved as from August 31, 1953, and its work in connexion with the award of payments to war pensioners and allowances transferred to the Ministry of National Insurance, which will be renamed the Ministry of Pensions and National Insurance. The medical treatment undertaken by the Ministry of Pensions—including the management of hospitals and the supply of appliances—will be transferred to the Ministry of Health and the Department of Health for Scotland. It is estimated that these changes will result ultimately in an economy of some £500,000 a year. The work of the Ministry of Pensions has gradually decreased and the number of war pensioners is now some 242,000 less than eight years ago. There has also been a reduction in the medical treatment undertaken by the Ministry since the introduction of the National Health service. Under the new arrangements, there will be no change in the method by which war pensioners receive their pensions, but the local offices of the new Ministry will supply additional facilities for the payment of allowances. The government attach great importance to maintaining the welfare service, which has always been available for war pensioners, and it is felt that the wide network of local offices of the Ministry of Pensions and National Insurance will afford closer contact with pensioners, local organizations, local authorities and local representatives of national organizations interested in welfare matters. Those who are, however, particularly interested in this subject as representing some of the large organizations concerned, appear to feel that the proposed change may be detrimental to pensioners. It should help therefore, that it is proposed to continue the Central Advisory Committee, which will function in association with the Minister of Pensions and National Insurance. The local working of the war pensions committees will also be linked with the Ministry and it is hoped that members of those committees and their associated voluntary workers will continue the valuable work which they have done for the ex-service community.

Mental Health Week in Canada

Recently, there was a mental health week in Canada, which was organized with a view to bringing the community and the mental hospital closer together, as health authorities have been concerned that people know too little about the hospitals. It is hoped that one result of the week will be the development of women's auxiliaries and other volunteer groups to form a day-to-day link between the hospital and the community. General hospitals in Canada, as in Great Britain, have already demonstrated the effectiveness of such voluntary organizations. It is thought to be important that the public generally should get to know and understand what the mental hospitals are trying to do, and it is hoped that more volunteers will be obtained for recreation, canteen and library services. In some parts of Canada, collaboration already exists such as at one hospital in Manitoba where there is a volunteer group which provides recreational and educational facilities at the hospital and, at the same time, brings to the public at large some understanding of what the hospital is trying to do. The Canadian Department of Health and Welfare feel that if real progress is to be made in the mental health services, public understanding and co-operation are essential and is satisfied that there are untapped pools of interest and goodwill. We wonder if the position is the same in some parts of this country.

CHIEF CONSTABLES' ANNUAL REPORTS, 1952

DRUNKENNESS

The tabulated statistics in the chief constables' annual reports make it appear, unlike the trend of crime which has a definite downward tendency, that drunkenness here and there is on the increase, if but slightly. This fact is of more than passing interest because many have in the past inclined to the belief that crime and drink are automatically co-related and that a rise or fall in one reflects itself in the other.

There is doubtless nowadays another feature to be taken into account, namely local industrial prosperity or otherwise, depression. For example, the alarming increase in drunkenness in Coventry, 706 cases, the highest ever recorded, whilst the crime total for the year shows a fall of 213. Is there relationship in this problem between economic prosperity or the absence of it ?

One cannot resist the questions : what promotes drunkenness ? and exactly when is a person drunk ? The chief constable of Tynemouth writes : " . . . An investigation . . . yields no information as to the possible cause." But has the subject ever been scientifically explored on a country wide basis ? Drunkenness was said to be more prevalent in the days before World War I, but the Coventry total belies even that. The physical make-up of the individual must have some part of this. Some have capacity for alcoholic drink far in excess of others ; many will show far less symptoms of consumption than others who drink relatively little. These latter may even display the signs of drunkenness whilst the former do not.

Drink taken on an empty stomach must have a more pronounced effect, or when taken habitually by those whose dietary standards are low. The constitution must be impaired after years of rationing and the absence of good food in adequate quantity as before the war. This factor must assuredly weigh in consideration of this kind. Men doing heavy manual work in the old days were able to be fed well and many drank as sumptuously as they ate. Those employed in the areas where heavy industry is carried on looked upon beer as a part of a vital diet for efficient production. At present the beer is available but not the quantity and quality of food.

It undoubtedly is true that some types of crime are originated by drunkenness, offences of indecency are often committed by men and women whose animal instincts are excited by alcohol. Some of these may in any event be unlikely to bridle that weakness when sober but there is plenty of evidence to show that the law in this respect is frequently broken purely because of a condition of insobriety. This supports the argument that crime and drink are not irrevocably related. The man who normally has regard for law and order may, unfortunately, act in an indecent manner when drunk but would have no inclination to break into a house when in that physcial condition, nor to commit forgery, fraud and so on. The offender, however, who in the ordinary course of events lives by crime may be excited to further effort by drink. Case records show that the false pretence man is frequently urged on when in a condition of partial drunkenness.

In the problem of road accidents, which often involves breaches of law, it is hardly possible to assess what part is played by intoxicants, for the quantity taken may be too small to be visually evident and yet potent enough to deprive those concerned of normal caution and awareness. There is no doubt about increases in road accidents, the total rises year by year. The time must come when medico-scientific apparatus will be available to determine exactly when individual responses are affected, however little, by alcohol ; then it will be possible to decide if drink has played any part at all in the cause of particular incidents.

We are outside even the fringe of the study of the problem of drunkenness, yet, next to crime, it demands the most painstaking study and research. It is the background of much that affects adversely human habits and behaviour.

Prosecutions for drunkenness at South Shields rose by sixty-six for men but fell by twelve as regards women. In Liverpool there was a decrease of 128 ; seventeen men and women were dealt with for drinking methylated spirit. Offences of driving whilst drunk rose by four. The occupants of eight houses were summoned for illegal sale of intoxicants and 175 men and women were on the premises when the police entered.

Drunkenness in Cambridge rose slightly but the city has still, " the lowest number of proceedings per thousand of the population amongst the large group of towns of a similar size . . . " The age of those prosecuted ranged between eighty-three and twenty-one years. In Exeter the figure increased from thirteen the year before to thirty-four in 1952 and cases of driving whilst drunk from two to seven. Prosecutions fell slightly at Newcastle-upon-Tyne, where fourteen men were dealt with for drinking methylated spirit, an increase of four.

Northampton and St. Helens have each experienced a fall. " Something emerges from the drunkenness figures which is new," writes the chief constable of Northampton. " Four males and one female were arrested . . . and as they had addresses in the borough the police bailed them to appear before the justices at a later date. One male has since been dealt with and fined but although warrants have been issued against the other three male persons the police have not been able to execute the warrants." The female has been fined as well and the justices, in addition, ordered estreatment of £2 the amount of her recognizance.

At Walsall there were fourteen fewer cases. Eight men were charged with driving whilst drunk, a decrease of twelve. Of the sixty-three persons charged with drunkenness at Oxford thirty-eight were strangers in the City. In Monmouthshire offences of being drunk in charge of motor vehicles number twelve, as last year; on the other hand drunkenness fell by ten, from eighty-one in 1951. The chief constable of Middlesbrough reports a decrease from 899 to 798. He comments, "... there is a considerable decrease ... as compared with 1951 but the totals recorded are formidable ... Any satisfactory general explanation for these figures is hard to find and despite the fairly high percentage of convictions recorded against non-residents, it is evident that considerable sections of the resident community are not to say the least, setting an example of good citizenship ..." "Much is at times said about the colour problem in seaport towns but although in Middlesbrough we have a considerable resident and a fairly consistent floating population of coloured people, we experience very little difficulty with them in relation to excessive drinking or trouble in which drunkenness is the initial cause. Coloured people, however, unwittingly attract attention to themselves and after permitted hours in licensed premises, cafés and refreshment houses in the North side of the town which cater for them, are also frequently visited by local people impelled by idle curiosity in search of sensationalism, with the consequence that trouble at times arises through the most trivial causes." On registered clubs the report concludes: "... I have had occasion to warn certain club committees regarding the promoting of forms of lotteries, which did not altogether conform to the requirements of the Betting and Lotteries Act, 1934, and to certain other irregularities in connexion with the admission and entertainment of non-members."

The county of Lincolnshire experienced the highest figure for drunkenness since 1939, 234 men and nine women, whilst forty persons were charged with driving motor vehicles whilst under the influence of drink. In Leicestershire and Rutland forty-four persons were convicted of drunkenness, the same number as in 1951. Drunkenness in Dudley fell from thirty-four to twenty-one. In Bradford there were fifty-six fewer cases and in Wakefield a decrease of eighteen was recorded. On the other hand an increase of thirty-two occurred in Birkenhead. The figure 706 at Coventry is the highest ever recorded and an increase of forty-three *per cent.* over 1951. In Kent an increase of sixty-nine occurs and thirty-nine men were dealt with for being under the influence of drink when in charge of motor cars. At Sheffield the figure for drunkenness rose by sixty-four to 402.

THE PARENTS' DILEMMA: A REJOINDER

[CONTRIBUTED]

I feel that the article entitled "Parents' Dilemma" contributed by Mr. John Audric which appeared in the *Justice of the Peace* for May 9 cannot go unchallenged.

I do not know in what capacity the author comes in contact with young offenders, but I am amazed at his generalizations concerning the techniques of probation supervision. Much of his article shows sound commonsense, but parts of it show a complete lack of knowledge of the situation as it really is.

In the area where I serve as one of a team of probation officers, regular case conferences between departments concerned with the young offenders have been the practice for some years and the plrobation officer seeks assistance from a host of sources—cergy, doctors, schoolmasters, health visitors, officials of the Assistance Board and many others. Far from working in water tight compartments, there is a very real and valuable network of agencies which, although he is ignorant of the fact, surround the offender and his family and the probation officer makes it a part of his "case-work" to utilize whatever agencies are of value in the particular case. The need for and value of co-operation is by no means a new and original brain-wave of Mr. Audric's, but an essential element in the nature of case-work as understood by the majority of trained and experienced social workers today.

He is right when he emphasizes the importance of regular visits by the probation officer to the young offender's home—these visits are, of course, the very core of case-work. There is, however, a very real value in the regular individual interviews at the probation office or reporting centre. These visits help to train the undisciplined offender and to bring home to him the meaning of obligation and responsibility. The fact that he has to be somewhere at a fixed time, regardless of his inclinations and in spite of other more attractive pursuits can be a useful discipline if nothing more. In actual fact it is of much more value than that, for it provides an opportunity for the probation officer to talk with the probationer in the comparative privacy of the probation office, away from the interruptions caused by other relatives which are so often unavoidable in the home. What is more, it gives the youngster the chance to "spread himself" and perhaps voice opinions and discuss difficulties that he might be too self-conscious to display before parents and other members of his family. It is my own experience and that of some of my colleagues, that where these visits to the office, for some reason, are not possible, it is often more difficult to get a real contact with the boy or girl concerned though there may be a very good relationship formed with the parents.

The author appears to consider it to be the probation officer's main duty to prevent by hook or by crook, a further court appearance of the young offender. As I see it, the probation officer's chief duty is to help the probationer that he himself may both see the wisdom of keeping out of trouble and also gain sufficient stability to be able to enjoy a life lived within the bounds of the law laid down by society. In short, probation supervision is not mainly preventive but educational. Education is not patrolling an area or wagging a big stick—it is much more difficult and calls for more subtle techniques. It may even, from time to time, call for the "kind uncle" approach and it certainly calls for individuality, patience and sympathy. Its techniques cannot be the subject of such generalizations or hard and fast rules such as are implied by Mr. Audric.

It is a fact that in some areas, notably the wide rural districts, probation officers are often unable to put into practice many of the theories which they believe to be of value in their job. The development and expansion of skilled case-work cannot be uniform throughout the country, but there is a steady flow into the Probation Service of trained and carefully selected personnel, who are attempting to bring to their job a sincere, objective, open-minded approach. All who come in contact with offenders both young and old must be aware that there is still much to be learnt regarding their treatment, but the situation is by no means as stagnant as Mr. Audric would have us believe. L.M.-W.

PLANNING PERMISSION FOR MINERAL WORKINGS

By LORD MESTON, *Barrister-at-Law*

Planning control with reference to mineral working is a subject of considerable importance. This country possesses more than forty separate minerals which are commercially useful. Some of these—coal, ironstone, limestone, chalk, sand and gravel, brick-clay—are of the highest importance, for on them and their products, steel, cement, building materials, chemicals, fertilizers, the nation's major industries and much of its agriculture depend. Mineral workings on any scale make demands on land, frequently good agricultural land, and sometimes disturb the surface use of land by reason of subsidence, and inevitably affect the general amenity of the countryside through dirt and smoke. It is not surprising therefore that when the " planners " got really busy with regulating our destinies they addressed themselves to the subject of mineral workings. The history of legislation dealing with this matter takes us back to the Town and Country Planning Act, 1932, which brought mineral workings within planning control as a " use of land." The Town and Country Planning (Interim Development) Act, 1943, extended " interim control " to the whole country and thereafter the Act of 1932 applied, nominally at any rate, to all mineral workings, both surface and underground. In March, 1945, the Minister made the Town and Country Planning (General Interim Development) Order, 1945 (S.R. & O. 1945, No. 349), by which he gave, with certain exceptions, a general permission for mineral working, but reserved the right to issue a direction withdrawing permission for any but underground working where he thought it necessary. In 1946, this general permission was restricted by the Town and Country Planning (General Interim Development) Order, 1946 (S.R. & O. 1946, No. 1621), and from February 1, 1946, any new surface working required specific permission. Existing surface workings, with minor exceptions, were authorized to continue during a " period of grace " which was eventually extended to July 1, 1948, the date on which the Town and Country Planning Act, 1947, came into full operation. The Act of 1947 introduced a much more effective means of control. After July 1, 1948, enforcement action can be taken against anyone who carries out any mining operations without planning permission. All mineral undertakers who had not applied for planning permission or had obtained it before July 22, 1943 (the date on which the Town and Country Planning (Interim Development) Act, 1943, came into operation) were required to apply for permission. Existing workings could not be expected to cease forthwith and accordingly the Town and Country Planning (General Development) Order, 1948 (S.I. 1948, No. 958) provided that if application was made before November 1, 1948 (or, in some cases, January 1, 1949) existing workings were permitted to continue until the application was decided, but workings started after 1946 in contravention of planning control were not covered by this concession. The general effect of the Act of 1947 is to require permission to be obtained for new quarries and mines, and to cause all existing quarries and mines to be reviewed by the planning authorities. The extension of planning control by the Act of 1947 effects two principal objects. In the first place, it prevents unwarranted interference by mineral working with other forms of land use. Secondly, it avoids the situation that has often arisen in the past when land was built over without any attention being paid to the possibility that mineral deposits might lie under that land. In this connexion a " development plan " may protect important mineral deposits from being built over, and, if necessary, allocate land for mineral working. A development plan may confer power on developers to obtain compulsory working rights, and Regulations have been made under s. 81 of the 1947 Act extending the provisions of the Mines (Working Facilities and Support) Act, 1923, which empower the High Court to grant working rights to mineral undertakers—*see* the Town and Country Planning (Modification of Mines Act) Regulations, 1948 (S.I. 1948, No. 1522). Mineral bearing land is subject to the powers of compulsory purchase contained in the Act of 1947.

The Town and Country Planning Act, 1947, defines " development " to mean " the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any building or other land " (s. 12 (2)) ; and the term " minerals " is defined to include " all minerals and substances in or under land of a kind ordinarily worked for removal by underground or by surface working : provided that it shall not include peat cut for purposes other than sale " (s. 119 (1)). The Act of 1947 leaves the primary control of mining operations with the local planning authorities, but under s. 15 of that Act the Minister is empowered to direct any local planning authority that any application for permission to develop shall be referred to him instead of being dealt with by the local planning authority. This is generally known as the power of the Minister to " call in " applications for permission to develop. This power has been widely exercised in dealing with mineral applications, and in all 471 applications for mineral development were called in for ministerial decision up to December 31, 1950. But as time goes on and more and more information about minerals becomes available to local planning authorities, the need to " call in " mineral applications is decreasing. As a rule, mineral applications and appeals involve far lengthier consideration than the general run of planning applications. Authorities are required to give their decision on applications for permission to continue existing workings within two-and-a-half years (*see* the Town and Country Planning General Development Order, 1950 (S.I. 1950, No. 728), art. 5 (8) (*a*)). This may appear to be a long time for an applicant to wait for a decision, but it must be remembered that a satisfactory decision can only be given if the national and local aspects are fully examined. However, it has been recognized that in certain types of case early decisions are often necessary, as, for example, (1) applications to start new workings, (2) where heavy expenditure is being incurred on expanding or re-equipping plant, (3) where a continuance of working under the General Development Order would cause damage to other land and it is highly desirable that immediate limitations or conditions should be imposed. In all such types of case the Minister has urged local planning authorities to decide the applications on available data without elaborate investigation. It will be remembered that s. 14 of the Act of 1947 enables planning permission to be granted either unconditionally or subject to conditions. It has been found in practice that in granting almost any permission for mineral working conditions require to be imposed. The more usual types of conditions require the restoration of the worked-out site, or a particular method of treating or disposing of waste. A breach of the conditions may result in enforcement action by the local planning authority. As to enforcement action, *see* ss. 23 and 24 of the Town and Country Planning Act, 1947, as amended by s. 2 of the Town and Country Planning (Amendment) Act, 1951.

As above stated, one of the usual types of condition annexed to a grant of planning permission for mineral development is that which requires the restoration of the worked-out site. This is

not always possible, or is only possible to a limited degree, for the physical possibilities of restoring a worked-out site vary according to the nature of the working and the locality in which it is being carried out. Where a mineral such as limestone, chalk, slate, or igneous rock is quarried to a considerable depth, filling operations are generally impracticable. Sometimes the excavation can be used for building, or recreational purposes, but generally the only condition that can be imposed is to require the site to be left reasonably level and tidy and possibly for trees or shrubs to be planted as a screen. Where a relatively thin deposit is removed after the overburden has been stripped, the overburden can usually be replaced, levelled, and brought back into cultivation. A good deal of land is already being restored in this way, for example, the opencast coal workings of the Ministry of Fuel and Power. Another type of case is where a large volume of mineral is removed and the amount of overburden and other waste matter that can be returned to the pit is very small. Sand and gravel workings are typical. Near large cities there is generally available a supply of refuse, rubble, and other waste which may be poured into excavations, at little or no cost to the mineral undertaker. But where such supplies are not easily available the cost of filling in worked-out sites is extremely heavy owing principally to the cost of haulage. It may seem incredible but the cost of filling in an area of one acre, excavated to a depth of thirty feet, where the filling-in material has to be hauled from a distance of twenty miles, is in the region of £10,000. Another type of condition which is often annexed to planning permission for mineral development relates to the disposal of waste. In many cases, for example in coal mining and china clay working, large quantities of waste material are produced in extracting the mineral. Transporting this material away is very costly, and therefore it has to be tipped in the vicinity of the workings with as little interference as possible to other uses of land. Conditions are often attached to planning permissions requiring the waste to be deposited within a specified area, and, if possible, the tips to be grassed or planted.

A few interesting decisions on applications for permission to work minerals are noted in the *Bulletin of Selected Appeal Decisions* published at intervals by the Ministry. The extension of an existing chalk quarry was the subject of an appeal to the Minister (*see Bulletin No. V*, March, 1949, at pp. 12, 13). In that case the quarry was situated at the side of a road just outside the boundary of a city in East Anglia. The road ran in a shallow depression with a gradual upward slope on either side, through open agricultural country with here and there some woodland. The appellants had leased forty-eight acres of land, six of which were covered by a planning permission which enabled them to continue quarrying in an easterly direction into the hill. They sought permission to continue the workings instead in a northerly direction along the side of the hill, their reasons being the increasing depth of the overburden and fall in the chalk level on the existing quarry face, the danger of collapse of the overburden and the disfigurement which would result if quarrying were continued to the crest of the hill. The local planning authority dismissed the application on the grounds that (*a*) the area formed part of the Green Belt round the city and was zoned in their draft scheme as rural and of high scenic value, and (*b*) it broke into an arable field. On appeal, the Minister considered that quarrying into the hill (in an easterly direction) by disturbing the land surface at a progressively increasing altitude would result in making the excavation visible over a much wider area than if working were extended on the northern face of the quarry. He was satisfied also that from an agricultural point of view the land proposed to be developed would be more valuable for the production of chalk than if it remained under agriculture. The Minister allowed the appeal subject to conditions relating to the disposal of the overburden and the planting of trees to screen the excavation. The use of land for the extension of an existing colliery tip raised the question whether the proposed operation constituted "development" within the meaning of that term in s. 12 of the Act of 1947 (*see Bulletin No. VIII*, March, 1950, at p. 14). In that case the National Coal Board contended that the tipping of colliery spoil on part of an area of land which they had leased for the purposes of coal mining did not constitute " development " within the meaning of the Act of 1947. That view was not accepted either by the local planning authority or by the Minister. The Minister decided that it was quite clear that the superficial area of the deposit of waste material or refuse was to be extended, and, this being so, that the proposed operation would constitute or involve " development," and that permission was therefore required for the proposed development. The creation of stockpiles in association with sand and gravel workings was distinguished from the deposit of waste material in a later case (*see Bulletin No. IX*, November, 1950, at p. 14). A sand and gravel company had been granted planning permission in July, 1947, to develop a site for the purpose of winning and grading sand and gravel. In May, 1949, they sought to have it determined whether the creation of stock-piles of ballast on the land as part of an operation arising from the construction of a conveyor gantry (in respect of which the authority had determined that no application for planning permission was required) would involve " development " requiring an application for planning permission. The local planning authority held that the creation of stockpiles as described would constitute " development " on the ground that it was an " engineering operation " (*see* s. 12 (2) of the Act of 1947). On appeal, the Minister took the view that owing to the fact that the stockpiles were impermanent and fluctuated in size from time to time, the creation of stockpiles involved the use of land rather than the carrying out of operations on land and could not properly be regarded as an " engineering operation." The formation of stockpiles was not analagous in all respects to the deposit of waste material. In the present case the Minister was satisfied that the proposed stock-piling was incidental to the winning and grading of the sand and gravel and in these circumstances did not involve a material change of use of land covered by a permission for such winning or grading. Accordingly the Minister determined that the proposal did not constitute " development " or require planning permission. But the Minister was careful to point out that the erection of stockpiles on land not already used for that purpose, or for a purpose to which the stockpiling was not incidental, would normally involve a material change of use of the land.

A person may sometimes be in doubt as to whether a certain mining operation, which he proposes to undertake, does or does not constitute " development " within the meaning of the Act of 1947. Specific provision is made for resolving any such doubt by s. 17 of the Act of 1947, which states in terms that if any person who proposes to carry out any operations on land or make any change in the use of land wishes to have it determined whether the carrying out of these operations or the making of that change in the use of the land would constitute or involve development within the meaning of this Act he may apply to the local planning authority to determine that question.

There are a number of operations undertaken in connexion with the working of minerals which constitute " development " within the Act of 1947 but which may be undertaken without obtaining the permission of the local planning authority or the Minister—*see* Article 3 and class XIX of Part I of sch. 1 to the Town and Country Planning General Development Order, 1950 (S.I. 1950, No. 728); and, as to ironstone, *see* the Town

and Country Planning (Ironstone Areas Special Development) Order, 1950 (S.I. 1950, No. 1177).

In conclusion, anyone who seeks detailed information as to the practice and procedure relating to making applications for permission to work minerals should study a memorandum issued by the Ministry in 1951 entitled *The Control of Mineral Working*. This admirable memorandum also shows the broad lines of policy relating to the planning problems of minerals.

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 41.

CUSTOMS OFFENCES IN THE SCILLY ISLES—A NOVEL SUBMISSION

At a court held at the Town Hall, St. Mary's, Isles of Scilly, on May 14 last, a local resident was charged with three customs offences, two under s. 186 of the Customs Consolidation Act, 1876, for dealing with uncustomed goods, to wit, a watch, with intent to defraud Her Majesty of the duties due thereon, and one under s. 304 of the Customs and Excise Act, 1952, for a similar offence, the first two offences having taken place in 1952 and the third in 1953.

The defendant appeared by solicitor, Mr. C. W. L. Jervis of Penzance, and on the prosecution offering no objection to the last case being dealt with summarily, elected to be dealt with summarily on all three charges, but before he pleaded to any charge Mr. Jervis contended on his behalf that the summons disclosed no offence known to the law as none of the Acts referred to therein applied to the Isles of Scilly where, it was alleged in the summons, the offence had taken place.

Defending solicitor stated that as far as he knew, the point had never been taken strongly before because all the residents were afraid of bringing publicity to the position in the Islands, and thereby attracting income tax from which they were formerly exempt, but now that income tax was being applied by the Finance Bill of 1953, the defendant had instructed him to take the point, as there was no risk of income tax being applied in consequence of the argument.

Defending solicitor added that it was well-known that various incidents of mainland law did apply to the Isles of Scilly, but he contended that these Customs Acts, which were Taxing Acts, were not applicable unless they specifically said so, and he quoted as authority for this proposition the statement contained in 21 *Halsbury* 518 : " The operation of a statute *prima facie* extends it to the whole of the United Kingdom and not to any place outside it but for certain purposes, notably those of Police, Revenue, Public Health and Fisheries, the legislature may enact laws which affect the seas surrounding the coast beyond the 'three miles limit.'" He also referred to s. 118 of the Education Act, 1944, s. 71 of the Mental Deficiency Act, 1913, and s. 138 of the Local Government Act, 1929, as being examples of Acts which required special sections to apply them to the Isles of Scilly.

He submitted that Acts of Parliament relate to the United Kingdom. The only definition that he had been able to find of the United Kingdom was that it was Great Britain. He pointed out that the Islands were more than three miles away from the mainland, and therefore were outside the territorial waters of the mainland of the United Kingdom. He mentioned that by custom or otherwise, a number of statutes had not been enforced in the Islands by the Commissioners for Customs and Excise, for example, no tobacco licences were granted in the Islands, and when an application for a tobacco licence was made, the applicant had been informed that it was not customary for a licence to be issued in the Islands.

He further referred to the Finance Bill, 1953, which contained a clause which was considered necessary to cause the inhabitants of the Islands to pay United Kingdom income tax.

He pointed out to the justices that their own court required a Local Government Order to give them their special jurisdiction, and that the same Order and the Act under which it was made, made special provisions for indictable cases arising in the Islands to be held at quarter sessions at Bodmin, and he contended that it was clear that the Customs and Excise Acts did not apply to the Islands, and therefore the summons did not disclose any offence known to the Law, as they alleged an offence within the Islands.

Mr. D. J. Willson, an Assistant Solicitor to H.M. Customs and Excise, in replying, referred to the passage from *Halsbury* quoted by Mr. Jervis, and applied it by reading the words " if the intention is, however, to limit the operation to a part of the United Kingdom or to extend the operation beyond there should be express words to that effect." He contended that the Isles of Scilly were part of the United Kingdom.

He stated that if it was necessary to apply the statute to Rockall or to The Faeroes, which were not part of the United Kingdom, the statute would not apply, and express words would be necessary, but in his contention they were not necessary as the Isles of Scilly were part of the United Kingdom.

He mentioned that in the earliest times Excise Duties were farmed out, *i.e.*, let to individuals at a rent, but in 1683 this practice was stopped and Commissioners were appointed to act for the King in person in the collection of Excise dues. He stated that King Charles II had issued instructions to the Commissioners not to collect customs duties in the Scilly as he found that the cost of collecting them was far more than the amount of revenue he received from them. From that time on, many of the excise duties had not been collected in the Islands, but that did not mean that the law to collect them did not exist. He then referred to the argument that the Isles of Scilly were not part of the United Kingdom, and stated that at the time of the Act of Union in 1707 which united the Kingdoms of England and Scotland, the Isles of Scilly had been part of England for a great number of years, and that there had actually been a Collector of Customs in the Islands at that time.

The Act of Union defined Great Britain as being the Kingdoms of England and Scotland, which then became the United Kingdom.

He referred to the Customs Excise Act of 1906 which contained a section referring to the Customs Port of Scilly and stated that by the Representation of the People Act, 1949, the Isles of Scilly were deemed to be part of the St. Ives Electoral Division, and if Mr. Jervis' contention was correct, there would exist the novel position of representation without taxation, an argument which he had not heard put forward before.

He drew attention to this year's Finance Bill which places the Islands in the West Penwith Division for income tax purposes, and referred finally to the Customs and Excise Act of 1952, and submitted that it applied to the whole of the United Kingdom, and pointed out that there was no mention of the Isles of Scilly in the Act.

Without retiring, the justices decided that the Islands were part of the United Kingdom, and that the pleas should be taken. On this being done, the defendant pleaded guilty in each case, and was fined £15 in each case plus £10 10*s*. costs.

COMMENT

The writer has set out in detail the arguments urged before the court for although it is true that a similar submission could not be raised in any other court in the country the matter undoubtedly has topical and legal interest.

(The writer is greatly indebted to Mr. J. F. W. Bennett, Clerk to the Justices for the Isles of Scilly, for information in regard to this case.)

R.L.H.

PENALTIES

Gravesend—May, 1953—giving live chickens to a child under fourteen in exchange for old clothes. Fined £3. The Deputy Town Clerk prosecuting drew attention to a similar case at West Ham where a man had been acquitted on a charge of exchanging goldfish for old clothes, and urged that the decision was not binding. The bench accepted the prosecutor's contention as stated.

Conway—May, 1953—forging a Ministry of Food Buying Permit for cattle food. Fined £100, to pay 50 guineas costs. Defendant, the district agent for a firm of animal food manufacturers, pleaded guilty. Defendant amended a buying permit so that instead of reading " 1 cwt." it read " 123 tons."

Doncaster—May, 1953—being under the influence of drink while in charge of a pedal cycle. Fined £1. Defendant, a land owner aged 59, was seen swerving all over the road and finally hit the kerb and fell off.

West Bromwich—May, 1953—breaking open a gas meter and stealing 16*s*. 4*d*. One month's imprisonment. Defendant, aged seventeen, was convicted of a similar offence in March of this year when he was placed on probation.

Liverpool Quarter Sessions—May, 1953—(1) malicious damage to a Public House, (2) stealing 100 cigarettes (two defendants).

First defendant eighteen months' imprisonment, second defendant nine months' imprisonment. Defendants were brother and sister who were put out of a public house after they had made a nuisance of themselves. A few minutes later bricks crashed through the windows and doors, and defendants entered through broken window, and threw stools and bottles to reduce the bar to a shambles. About ninety glasses were smashed. The female defendant also pleaded guilty to stealing a handbag.

Bradford-on-Avon—May, 1953—grievous bodily harm. Fined £10 and to pay £3 costs. Defendant, a land girl, attacked a farm labourer with a broken bottle inflicting head, face and arm injuries that required nineteen stitches.

London Sessions—May, 1953—stealing £437 belonging to a bank. Twelve months' imprisonment. Defendant who had been a bank employee for thirty-three years put a large quantity of copper in a £100 bag of silver. He was recalled from holiday and admitted the offence, which was easy to commit because 5*s*. worth of copper weighs the same as £5 worth of silver.

CORRESPONDENCE

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

I am directed by my Executive Committee to send you a copy of the following resolution on illegal motor cycling which was carried unanimously at the National Council of the Ramblers' Association.

"That this Council expresses its concern at the continued and increasing nuisance caused by illegal motor cycle riding on common land, moorland, bridleways and footpaths to the detriment of the amenities of the moors and the safety of the public and urges the police and all authorities concerned to apply the law as laid down in s. 14 of the Road Traffic Act, 1930."

Yours faithfully,
TOM STEPHENSON,
Secretary.

The Ramblers' Association,
48, Park Road,
Baker Street, N.W.1.

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

With reference to the question and answer on evidence in your issue of May 16, 1953, regarding the leading of embarrassed witnesses in evidence of an indecent or sexual nature, my experience may be of some interest to your readers. In such a case I knew that the witness could not be led from her own proof of evidence but a statement by the prisoner had already been exhibited and that gave a detailed account of what he said had happened which corresponded with what the advocate for the prosecution had opened should be the evidence of the witness. I invited the embarrassed witness to look at certain passages of the exhibit and she indicated she was in agreement.

The exhibit was admissible in evidence—it had been properly taken and properly produced to the court but the Judge at the trial indicated that it was undesirable to do what had been done as it might be that the witness was being led. I had realized this but had thought that it would not be improper to lead a prosecution witness by putting to her the "case" for the defence. This confirms your answer that there is no way of leading a prosecution witness even on facts which are not in dispute.

Some trials involving women or child witnesses giving such evidence are so embarrassing to the witnesses and are such an anxiety to those responsible for the conduct of the case that I have known cases to be dealt with summarily on a plea of guilty to avoid the need for witnesses giving evidence when by the seriousness of the case it should have been committed for trial. Section 29 of the Act of 1948 or of the new Magistrates' Courts Act does not help to get such cases appropriately punished unless there are previous convictions.

Yours faithfully,
A. N. MURDOCH,
Clerk to the City Justices.

St. Mary's Hall,
Coventry.

The Editor,
Justice of the Peace and
Local Government Review.

SIR,

"BRIAR PATCH"

The recent announcement that Mr. L. A. Kirby, who has been under an uncertainty as to whether he could retain his home ("Briar Patch") since 1946, has now been freed from the threat of demolition, has given a sense of satisfaction to those people who were interested in the outcome of his case. The proceedings he took lasted four and a half years. One stage of the proceedings took up nearly seven days of hearing before the judge in open court. Whilst Mr. Kirby took a technical point in another action against Mr. Hugh Dalton, the former Minister, and quoted his authority, yet the Minister did not disclose the grounds of his defence, but Mr. Kirby held tenaciously to his ground, with the result that the Minister offered not to ask for any costs if Mr. Kirby would withdraw his action.

What is the lesson to be derived from "Briar Patch"? Is it not that on the one hand the local authorities should not use powers except under the implicit trust that they will only be used with discretion with due regard for the liberty and freedom of the subject, and not carried out in an arbitrary or oppressive manner when the necessity really occurs for that exercise. On the other hand, for the individual to suffer in silence and take no active steps to curtail the unnecessary activities of a local authority, is to cast aside his fundamental rights, and this may give some encouragement for similar procedure to be adopted against his fellow individuals.

Yours, etc.,
A. E. HAMLIN.

20, St. Nicholas Place,
Sheringham,
Norfolk.

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

NOTES OF SCOTTISH DECISIONS

I was interested to observe in Notes of the Week in your issue of May 2, 1953, 117 J.P.N. 273, that you had considered it worth while reporting a recent Scottish decision as to what is a public place within the meaning of s. 18 of the Road Traffic Act, 1930, *viz.*, *MacDonald* v. *McEwan* (1953) S.L.T. (Sh.Ct.Rep.) 26.

I have often been struck by the fact that there are Scottish decisions on points which are considered unprecedented in your contributed articles and in "Practical Points" and while these decisions are not binding in England there are many which are of interest and worth considering for their value.

In "Practical Points" of the same issue, para. 3, your correspondent raised an inquiry as to the meaning of s. 151 of the Factories Act, 1937, which refers to "any premises in which or within the close or curtilage or precincts of which persons are employed . . ." and asks whether the plural word "persons" includes the singular. He was informed that the point did not seem to have been before the Courts but I would draw your attention to the case of *Griffith* v. *Ferrier* (1952) S.L.T. 248; 1952 J.C. 56. A firewood merchant was charged in the Sheriff Court at the instance of H.M. Inspector of Factories with a contravention of the Factories Act, 1937. He was found not guilty on the ground that it was not proved that the premises were used as a factory within the meaning of s. 151 of the Act "in respect that it was not proved that two or more persons ever did manual labour there" during the relevant period "in the employment of the owner or occupier, or were employed there with his permission." The Inspector of Factories appealed by stated case to the High Court of Justiciary where it was held that the expression "factory" within the meaning of s. 151 of the Factories Act, 1937, included premises where only one person was employed in manual labour.

Yours faithfully,
D. M. STEWART,
Solicitor.

Town Clerk's Office,
Glasgow.

[We are most grateful to Mr. Stewart for his helpful letter.—*Ed., J.P. and L.G.R.*]

BOOKS AND PAPERS RECEIVED

The Law Quarterly Review, April, 1953. Stevens and Sons, Ltd., 119 and 120, Chancery Lane, London, W.C.2. Price 10*s*. net.

PERSONALIA

APPOINTMENTS

Mr. G. R. A. Buckland, C.B., under secretary in charge of the Safety, Health and Welfare Department of the Ministry of Labour and National Service, will retire on August 1, 1953. He will be succeeded by Dame Mary Smieton, D.B.E., at present responsible for the employment policy department of the Ministry. Mr. G. J. Nash, C.B., at present responsible for the military recruitment department, will take charge of the employment policy department, and will be succeeded by Mr. H. H. Sellar, C.B.E., assistant secretary, on promotion to under-secretary. Mr. H. M. D. Parker, C.B.E., at present in charge of the employment services department, is to be seconded to the Cabinet Office and will be succeeded by Mr. J. G. Stewart, C.B.E., assistant secretary, on promotion to under-secretary.

RESIGNATION

Mr. Leslie Morrell, a probation officer at the Leicester city magistrates' court since August, 1950, resigned at the end of May to take up a similar appointment in the city of Manchester. He will be replaced in July by Mr. W. H. Challoner of York, who is just completing the Home Office probation training course.

RETIREMENT

Dr. Mark Avent, medical officer of health for Hartley Wintney and Basingstoke, is to retire on July 31. Formerly assistant medical officer of health for Hampshire, senior house surgeon, Bury Infirmary, and Captain in the Royal Army Medical Corps, he is a Fellow of the Society of Medical Officers of Health.

OBITUARY

Alderman E. Burrow, recent Mayor of Southampton, died on June 6 at the age of sixty-six.

NOTICES

The next court of quarter sessions for the county of Cardiganshire will be held on July 2, 1953.

The next court of quarter sessions for the borough of Guildford will be held on July 4, 1953.

The next court of quarter sessions for the Isle of Ely will be held at Wisbech on July 8, 1953.

The next court of quarter sessions for the borough of Southend-on-Sea will be held on Monday, July 13, 1953.

THE WEEK IN PARLIAMENT

From Our Lobby Correspondent

RETURN TO HARD LABOUR ?

The Earl of Mansfield asked the Government in the House of Lords whether, in order to discourage crimes of violence, they would consider the advisability of introducing, for persons convicted of such crimes, a type of imprisonment much more rigorous than that at present in force, accompanied by a return to the system of genuine "hard labour."

Lord Lloyd, Joint Parliamentary Under-Secretary of State for the Home Department, replied that past experience had shown that rigorous and unpleasant conditions of imprisonment were not of themselves successful as a deterrent and Her Majesty's Government had no reason to believe that the restoration of the old type of "hard labour," or of any similar system, would be effective in diminishing crimes of violence. The Criminal Justice Act, 1948, introduced new methods of dealing with offenders, including a provision, which was being widely used by the courts, for long sentences of preventive detention for persistent offenders. The Government were watching the situation closely, but they thought that it would be premature to propose any fundamental change in the present penal system until there had been a considerably longer experience of those new methods.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Thursday, June 11

LONDON COUNTY COUNCIL (MONEY) BILL, read 3a.
NAVY AND MARINES (WILLS) BILL, read 2a.
ROAD TRANSPORT LIGHTING (REAR LIGHTS) BILL, read 3a.

HOUSE OF COMMONS

Friday, June 12

ROAD TRANSPORT LIGHTING (AMENDMENT) BILL, read 3a.
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) BILL, read 3a.
SLAUGHTER OF ANIMALS (PIGS) BILL, read 3a.
DOGS (PROTECTION OF LIVESTOCK) BILL, read 3a.

LOCAL AUTHORITIES AND "UNFIT" HOUSES

IV—THE "OWNER" AND THE "PERSON HAVING CONTROL" UNDER THE HOUSING ACT, 1936

By J. A. CÆSAR

The last article in this series, at p. 382, *ante*, concluded with a reference to *Rawlence* v. *Croydon Corporation* [1952], 2 All E.R. 535. This case was a case decided under the Housing Act, 1936, s. 9 (4) whereof defines "rack rent" as meaning "rent which is not less than two-thirds of the full net annual value of the house." A notice had been served under s. 9 (1) of that Act requiring the "repair of an insanitary house"; such a notice must be served on the "person having control of the house," and a copy thereof may also be served, under s. 9 (2), on "any other person having an interest in the house, whether as freeholder, mortgagee, lessee, or otherwise"; by s. 9 (4) it is enacted that for the purposes of Part II of the Act "the person who receives the rack rent of a house, whether on his own account or as agent or trustee for any other person, or who would so receive it if the house were let at a rack rent, shall be deemed to be the person having control of the house".

The decision in *Rawlence* v. *Croydon Corporation* was that the full net annual value of the house within s. 9 (4) was the value of the house to the landlord and, in the case of a house within the Rent Restrictions Acts, was the maximum rent permitted by those Acts; and that, as the landlord was receiving that rent, he was receiving a rack rent and was the person in control of the house, and the notice under s. 9 (1) was properly served on him. From this it would appear to follow that even if the rent permitted by the Rent Restrictions Acts were not a "rack rent," the landlord would be the person who would receive it if the house were let at a rack rent, because, if the restrictions imposed by the Rent Restrictions Acts were removed, he would be the person who would receive the full rent.

The reasons for requiring the "person having control" to be served with the notice under s. 9 of the Housing Act, rather than the "real owner," are doubtless the same as in the case of the "collector of rents" under the Public Health Act. Unlike the Public Health Act provisions as to the powers of a local authority themselves to abate a statutory nuisance, however, the Housing Act, by s. 10 (1), enables a local authority, if the notice under s. 9 is not (within the time specified therein) complied with—"or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed . . . , after the expiration of twenty-one days from the . . . determination of the appeal, or of such longer period as the court . . . may fix"—forthwith themselves to do the work required to be done. The expenses incurred by the local authority in doing such work are recoverable, with interest, by action or summarily as a civil debt, "from the person having control of the house or, if he receives the rent of the house as agent or trustee for some other person, then

either from him or from that other person, or in part from him and as to the remainder from that other person" (*vide* s. 10 (3) of the Housing Act, 1936, the proviso whereof is in terms similar to those of s. 294 of the Public Health Act regarding the limitation of the liability of an agent or trustee to reimburse the local authority's expenses in full).

So much for the enforcement of notices requiring the execution of works under ss. 9 and 10 of the Housing Act, 1936. Section 11, as to Demolition Orders, and s. 12, as to Closing Orders, also require that notice of the local authority's intention to consider making any such Order shall be served upon the "person having control," and also, "upon any other person who is owner thereof," and also, "so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof." "Owner" is defined in s. 188 (1) as meaning "a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building . . whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the building . . . under a lease or agreement, the unexpired term whereof exceeds three years." As in the case of the "owner" for the purposes of the Public Health Act, there can also, under the Housing Act, be more than one "owner" of the same premises. Service, upon the "owner," of a notice under either ss. 11 or 12 of the Housing Act is obligatory and not, as in the case of a notice under s. 9, merely discretionary.

When a demolition order has become operative, and the "owner or owners of the house to which it applies" do not demolish within the time specified, subs. (1) of s. 13 places a duty upon the local authority to "enter and demolish the house and sell the materials thereof," and subs. (2) provides that the expenses incurred by the local authority under the foregoing subsection, after giving credit for any amount realized by the sale of materials, may be recovered by them as a simple contract debt "from the owner of the house or, if there is more than one owner, from the owners thereof in such shares as the judge may determine to be just and equitable"; subs. (2) also provides that any owner who pays to the local authority the full amount of the local authority's claim may recover from any other owner such contribution (if any) as may be determined to be just and equitable.

It is interesting to note that the summary method of procedure for the recovery of the local authority's expenses is not applied to expenses incurred in demolishing under s. 13. Expenses incurred in effecting repairs under s. 10 are, as stated earlier in this article, recoverable (as, by virtue of s. 293 of the Public Health Act, are certain expenses incurred under that Act) either by action or summarily as a civil debt; subs. (5) of that section relates to recovery by instalments and is similar to s. 291 (2) of the Public Health Act, 1936; subs. (6) refers to the amount of the expenses and interest thereon being a charge on the premises and is similar to subs. (4) and the latter part of subs. (1) of s. 291 of the Public Health Act; likewise, the provisions of s. 20 of the Housing Act, whereunder the local authority are empowered to grant a charging order to an owner who himself complies with a notice requiring the execution of works, are similar to those of s. 295 of the Public Health Act; furthermore, both Acts, in s. 277 of the Public Health Act and s. 168 of the Housing Act, also deal in similar terms with the power of local authorities to require information as to the ownership of premises.

Before leaving the question of the powers of a local authority to enforce the carrying out of repairs to "unfit" houses, it should be borne in mind that s. 16 of the Housing Act, 1936, provides that where a person has appealed under s. 15 (1) against a notice under s. 9, "and the judge or court in allowing the appeal has found that the house cannot be rendered fit for human habitation at a reasonable expense, the local authority may purchase that house by agreement, or may be authorized to purchase it compulsorily . . . and, if they purchase . . . compulsorily, they shall forthwith execute all such works as were specified in the notice against which the appeal was brought," and the compensation payable on such a compulsory purchase "shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building byelaws for the time being in force in the district . . . and, subject as aforesaid, shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919."

Finally, on the subject "Demolition Order or Clearance Order?" 117 J.P.N. 189, it is noted that, at the time of the writing of this article, a Private Member's Bill entitled the Local Government (Miscellaneous Provisions) Bill is now before Parliament; Cl. 9 of that Bill, if it becomes law, will overcome the difficulties created in *Birch* v. *Wigan Corporation* [1952], 2 All E.R. 893, by enabling a local authority to make a Closing Order in respect of a "house" (as distinct from a "part of a building") the demolition of which would be impossible (because, *e.g.*, it was a "terraced" house) without adversely affecting the adjoining houses.

POLITICAL NOTES

A surprising feature of the recent Italian Election campaign, which has escaped general notice, was the candidature (withdrawn before polling-day) of Commendatore Beniamino Gigli, the famous tenor, whose astonishing vocal powers have received world-wide recognition. At the time of his nomination as a candidate for the Legislature many of his admirers must have wondered, as we did, that a man whose gifts have been devoted to the most sublime of all the arts should condescend to use them in the service of one of the least reputable of all professions. His motives can only be guessed at, but perhaps he was hopeful of infusing greater harmony into political life and imparting a smoother rhythm to the art of government. We have it on Shakespearean authority that another great Italian, who died two thousand years ago, regarded a defective musical taste as one of the criteria of an unstable political personality:

> "He loves no plays,
> As thou dost, Antony; *he hears no music* . . .
> Such men as he be never at heart's ease
> Whiles they behold a greater than themselves,
> And therefore are they very dangerous."

Thus Caesar appraises the dour malice of the envious Cassius.

It may be argued, on the other hand, that a wonderful voice like Gigli's should be capable of holding spellbound a Parliamentary Assembly in Rome as effectively as an audience at La Scala in Milan, and that eloquence in debate must needs be more persuasive when it is poured forth in tenor tones of unparalleled richness and power. We, however, take leave to doubt whether full justice can be done to any voice, however mellifluous, when it is heard arraigning the Minister of Food for neglecting to control the price of spaghetti, or taunting some honourable

member on the Government benches with failure to attain the housing target. It is difficult, if not impossible, to demonstrate one's ability to range over two octaves in propounding the rhetorical question—" Is the right honourable gentleman aware that the production of pig-iron has decreased by fourteen *per cent.* since January, 1952 ? " or to display one's skill in *vibrato* or *appoggiatura* during the delivery of a tirade about the declining strength of gorgonzola cheese.

No : on the whole we feel that the Commendatore is to be congratulated on his decision to withdraw from the electoral fray before disillusion has had a chance of setting in among his music-loving compatriots. It is all very well for Shakespeare's Lorenzo, fresh from the splendours of the Venetian scene, flushed with young love, and intoxicated by the strains of music in the moonlit Italian night, to wax eloquent on the subject :

> " The man that hath no music in himself,
> Nor is not moved with concord of sweet sounds,
> Is fit for treasons, strategems and spoils."

But we have never heard that he attempted to put his theory to the test in addressing a disgruntled party meeting, or introducing a Bill to amend the law relating to moneylending contracts.

When all this is said, however, it remains true that there have been times when musical talents have been used in the service of politics. The episode of the Walls of Jericho was of an exceptional character ; modern fortifications are designed to resist stronger blast than that produced by the brass instruments, even in an orchestra of Wagnerian dimensions. But secular history provides many authentic, though less extreme, examples.

The Greeks distinguished, among the musical styles, a number of varying " modes " ; the Dorian Mode, fostered at Sparta, was vigorous, plain and unaffected, as befitted a military autocracy ; the Ionian was sentimental and enervating, well-suited to the luxurious oriental life of the colonies of Asia Minor. Plato, in his *Republic*, goes so far as to say that the introduction of any new style of music should be prohibited, lest it imperil the stability of the State, " since musical styles can never be disturbed without affecting vital political institutions." A leaf out of his book was taken by the seventh century Pope Gregory and, in the 1300's, by Pope John XXII (the latter of whom, by the way, started life as a lawyer). Both were active in suppressing " indecorous " styles in the music of the Church, as calculated to undermine ecclesiastical discipline.

It is in the eighteenth and nineteenth centuries, above all, that we find music used in a political context. Handel's well-known *Water Music* was written to accompany a royal cruise on the Thames, from Westminster to Greenwich Palace, and his *Music for the Royal Fireworks* celebrated another State occasion. For the Coronation, in 1790, of the Emperor Leopold II of Austria Mozart wrote his Opera *La Clemenza di Tito*, which flatteringly commemorates the magnanimity of the Emperor's forbear, the Roman Titus. These, however, were the product of Mozart's last years ; in 1785 he had used his brilliant gifts in the service of the revolutionary movement that was sweeping from France across Europe, by his immortal setting of *The Marriage of Figaro*. The original play, by Beaumarchais, had been banned in France for six years prior to its production, owing to its subversive attacks on the *ancien régime* in Church and State ; and the popular enthusiasm with which it was ultimately received made it a precursor of the French Revolution of 1789. Three years later Rouget de Lisle composed the stirring strains of the *Marseillaise*—originally the revolutionary hymn that formed the background-music to the work of the guillotine, and later the National Anthem of the French Republic.

A curious episode is connected with the composition of Beethoven's Third Symphony, which he named the *Eroica* in honour of the youthful military genius of Napoleon. When the news came that the Hero of the Revolution had proclaimed himself Emperor, Beethoven in disgust tore out his Dedication but left the Funeral March in his Second Movement with the ironical title *Morte d'un Eroe*—" Death of a Hero." It is interesting to reflect that the sublime majesty of this work conceals a savage political satire.

Richard Wagner's great Tetralogy, *The Niebelung's Ring*, for which he composed both words and music, is a bitter attack, in allegorical form, upon the political morality of the 1840's—a socialist bible in the guise of an ancient Nordic Saga, and a stupendous work of genius in a revolutionary orchestral and vocal technique. The fierce controversies it aroused are still smouldering today, a hundred years after its first performance.

Strong national passions have been fired by other composers of the last century—by Chopin, who was inspired by dreams of an autonomous Poland ; by Grieg, whose music speaks so lovingly of forest and mountain and fjord, and who had the joy, before he died, of knowing Norway a free and independent Kingdom ; by Sibelius, who has in his lifetime seen nationhood attained by his native Finland, and by Smetana, whose music reflects the national aspirations of the Czechs. In our country Elgar is perhaps the composer who has most faithfully interpreted the English spirit in his works.

All this shows that Gigli's short incursion into the electoral arena is not unprecedented, though his admirers will rejoice that he has decided to preserve his talents for the operatic stage and the concert platform, instead of dissipating them on the political rostrum. " Every man to his own trade " is an excellent maxim, which applies as forcefully to the artist as to the practitioner in other, more mundane, professional spheres.

A. L. P.

PROGRESS

He wrote the most lengthy opinions
When first he was called to the Bar
And so deep were his legal researches
It was clear he was bound to go far.

He wrote his enormous opinions
For hours—in his own gentle hand,
In writing so clear and so simple
That anyone could understand.

He wrote his portentous opinions
For roughly a farthing a word,
Which however you care to regard it
Was generally speaking absurd.

But now that his practice is larger,
With more than enough on his plate,
His opinions grow shorter and shorter
Though dealing with matters of weight.

He rattles them off to a typist,
Just signing his opulent name,
But though they are brief and unpolished
They each of them add to his fame.

And what is of greater importance
He finds that for knocking off these
He is very much better attended
In the curious matter of fees.

J.P.C.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Adoption.

I am afraid I cannot agree with your reply to P.P. 1 at p. 255, *ante*. In my opinion the wording of s. 4 makes it clear that documentary evidence is admissible only in the cases provided for in subs. (1). Subsection (2) permits the proof of such a document if attested in the prescribed manner, "without further proof of the signature of the person by whom it is executed"; but neither attestation nor proof of signature will avail if documentary evidence is not admissible at the outset. If I am right in this the question of "special circumstances" under r. 10 does not arise, because the requirements of the Act are paramount to those of the Rules. SERA.

Answer.

In our opinion s. 4 does not exclude other methods of proof of documents, but provides a convenient means of proving certain consents without the calling of witnesses. Admittedly that method of proof is not available in the case of the spouse of the applicant, but we consider the document may be proved by a witness to its signature. The statutory rules require written consents to be attached to a form of application, and Form No. 2 includes reference to the spouse of the applicant. We see no violation of any principle of the rules of evidence in admitting the consent in question if it is properly proved. It is a document signed by a party to the proceedings, and if it is duly proved it is evidence of the fact that he, the respondent, has given his consent. Moreover, if further justification for admitting it were necessary, it could be provided by s. 1 of the Evidence Act, 1938, if the court is satisfied that undue delay or expense would be caused by insisting on personal attendance.

2.—Adoption—*Consent—Mother a mental defective.*

Mr. and Mrs. A are desirous of adopting B, a female child of C a single woman. No affiliation order has been obtained in respect of B. C is a patient in a mental colony, and has been certified as a mental defective by a magistrate under the Mental Deficiency Acts in the category of a feeble minded person. C has signed a form of consent before a magistrate and this has been sent to me to be placed before the juvenile court. I have been in communication with the medical superintendent at the colony, who states that he saw C at the time she signed the consent before the magistrate, and that C understood perfectly what she was doing, and the consequences arising therefrom. I am in some doubt whether the juvenile court should accept this consent. I have informed the medical superintendent that in my view it would be better for the prospective adopters to apply under s. 3 (1) of the Adoption Act, 1950, and ask the court to dispense with C's consent on the ground that she is incapable of giving it, and have asked whether he would prepare a statement to the effect that C is a mental defective and not capable of giving her consent. This he has refused to do, since in his opinion though C is a feeble minded person, she is nevertheless capable of understanding what adoption means, and the consequences of giving her consent.

I have referred to *Williams* v. *Williams* [1939] 3 All E.R. 325 and to *Brown* v. *Brown* (*otherwise Grayson*) [1947] 2 All E.R. 160; 111 J.P. 179, and though I still entertain some doubt on the matter I now incline to the view, on reading the judgment of Lord Merriman, P., in the latter case that the consent of C could be admitted providing the medical superintendent appeared before the court and gave evidence as to C's mental illness and that she understood the nature of her act.

I shall be grateful to have your views, and whether you can quote any case which might be in point. S.A.B.

Answer.

We agree with our learned correspondent that the justices may properly act upon the consent of the mother, subject to the conditions he suggests. *Brown* v. *Brown*, *supra*, supports this view; *Crowther* v. *Crowther* [1951] 1 All E.R. 1131 is also in point.

3.—Children and Young Persons—*Children Act*, 1948, *s.* 1—*Rights of parents.*

The father of a child in the care of a local authority under s. 1 of the Children Act, 1948, submitted an application to the local authority for permission to take the child on holiday for one week. The father stated that he did not wish the child to be discharged from the care of the local authority and that he wished the child to return to a children's home maintained by the local authority at the end of the holiday. The local authority was doubtful whether the granting of the application was desirable in the interests of the child, but in view of the fact that a parental rights resolution was not in force and in view of the provisions of s. 1 (3) of the Children Act it was decided to accede to the father's request.

I should be most grateful for your opinion as to whether the local authority had the power to refuse the application in view of the absence of a resolution assuming parental rights. SOLEM.

Answer.

We think the local authority was right in letting the father take his child. He will no doubt ask the local authority to receive the child into care again before long, but inasmuch as the local authority has not thought it necessary to pass a resolution under s. 2 is difficult to justify a refusal to hand over the child to his parent, in view of the clear wording of s. 1 (3).

4.—Children and Young Persons—*Juvenile Courts—Whether age at time of commission of offence or at date of appearance determines appropriate court.*

With reference to P.P. No. 2 at 115 J.P.N. 364 would you please give your opinion as to whether the maximum penalty in the case of a young person who commits an offence and is dealt with by the court after attaining the age of seventeen years as an adult should be that applicable to a juvenile or to an adult. SEE.

Answer.

Statutes do not usually provide for different penalties according to the age of the offender, but they do in the case of juveniles dealt with summarily for an indictable offence, and there is a general limit in the case of a child.

We consider that the age at the time of commission of the offence does not determine the question, the age when the court deals with him being the determining factor. *See* the wording of the Summary Jurisdiction Act, 1879, s. 11. The answer to the question is, therefore, that he should be dealt with as an adult. No doubt the justices would take into consideration his age when he committed the offence.

5.—Children and Young Persons—*Young person attaining age of seventeen during remand—Powers of court.*

A young person is brought before the juvenile court on a charge of simple larceny. The juvenile court hears the case and the defendant is convicted. On conviction it is found necessary to remand the defendant until the next sitting of the juvenile court in order that various inquiries may be made before punishing him. At the next juvenile court, however, it would appear that the defendant will have attained the age of seventeen years.

I shall be glad therefore if you could let me have your view as to what powers the juvenile court would have on that day, the defendant having now become an adult. SAX.

Answer

We dealt with this question, principally from the point of view that the power to make approved school or fit person orders was involved, in an article at 105 J.P.N. 340. We were of opinion that a juvenile who becomes an adult during a remand must be dealt with as an adult, in spite of some possibly unfortunate results. We came to that conclusion with some hesitation, but we still think that unless the High Court decides to the contrary that is the correct view. Anomalies can no doubt be pointed out, whichever view one takes.

We would add that even where the court feels bound to treat an offender as an adult it will have due regard to the fact that he was a juvenile when he committed the offence and when he was found guilty.

6.—Licensing—*Off-licence for sale of "medicated wines"—Enlargement so as to authorize sale of "wines."*

I refer to P.P. 4 at p. 371, *ante*.

Your answer to the question does not quite deal with the point which is arising. Can the licensee simply apply to the magistrates without giving any formal notices, and ask them to cancel the undertaking limiting the sale of wines to medicated wines? I would prefer the matter to be dealt with in that way but, of course, the confirming authority when the licence, which is a recent one, was granted would be aware that it was accompanied by an undertaking to limit the sale to medicated wines. N.Q.

Answer.

Our previous answer was based on an opinion that the licence on its face was restricted in a manner in which the law does not permit it to be restricted: both licensing justices and confirming authority acted in excess of jurisdiction in issuing the licence in this form. We see no reason why the licence should not be renewed with the restriction removed and subject to an accompanying written undertaking embodying the restriction. If the licence is dealt with in this way no submission to the confirming authority is appropriate.

An alternative, and perhaps a better, procedure is for the licence holder to apply outright for a new off-licence for the sale of wine coupled with an undertaking to surrender the existing licence (drawing an analogy from s. 73 of the Finance Act, 1946). The new licence, if granted, would require to be confirmed and so the false step would be corrected.

7.—Licensing—*Registered club—Whether rules may be so framed that premises revert to a non-club use on days on which advance notice is given.*

We shall be grateful for your views on the following matter.

Some two years ago we were consulted by the proprietors of a restaurant who, having been approached by a number of their patrons, were desirous of forming a club for the purpose of providing meals and refreshments, including intoxicating liquor, to members. The proprietors instructed us that whilst they were prepared to supply the club with premises, they, from time to time, had bookings for private parties and wished to preserve facilities for these functions. We were instructed that the private parties were of the nature of wedding receptions, Rotary dinners and other similar functions, and that until the booking was received it was impossible to nominate the day when the room would be required.

Accordingly we prepared a set of rules and the club was duly registered on December 9, 1950, following the usual inquiries and investigations by the local inspector of police on behalf of the Commissioner. No opposition was received and no exception to the management of the club has been made.

We enclose herewith a copy of the rules and would point out that the proprietors have on about fifty occasions per annum exercised their powers under Rule 4 :

"*Provision of club premises and payment of expenses*

4. The Proprietors will provide the club with club premises and everything reasonably necessary for carrying on the club in accordance with its object and these Rules.

The Proprietors being desirous of holding private parties therein from time to time reserve the right to close the club room situate on the first floor at the premises at any time upon giving not less than twenty-four hours' notice in writing to be exhibited on the club Notice Boards."

We understand that there has been strict compliance with the provisions of this rule and, pursuant to our advice, the persons giving the party have always provided their own intoxicating liquor.

At the time of making the Annual Return for 1953 the rules were altered to provide for the opening of the club premises on Sundays, Christmas Day and Good Friday. We are now informed that the police take the view that the consumption of intoxicating liquor on the premises is limited to the "permitted hours" set out in the rules, whether by members of the club or guests of private parties when the club room is closed in accordance with r. 4. The opinion of the police is that following the decision in *Caldwell* v. *Jones* [1923] 2 K.B. 309 "once a club always a club." If this view is correct then there is a contravention of s. 4 (*b*) of the Licensing Act, 1921, when there is consumption of intoxicating liquor on the premises outside the "permitted hours" even on occasions when guests are consuming drink provided at a private function in a room which, as provided by the club rules, reverts on these occasions to the proprietors.

In our opinion the decision in *Caldwell* v. *Jones* was whether the word "consume" was limited to drink which had been "sold or supplied" and is not the point at issue here. In our view the club premises are not "licensed premises" and must be considered in an entirely different light. To illustrate our point, the proprietor of premises could allow them to be used and registered as club premises for the six summer months, alternatively he could provide premises for a club comprised of local business people, say from Monday to Friday, and at week-ends the premises would revert to their private status. It is suggested that the user of the premises in the case in question, as provided by r. 4, is analogous to the foregoing and on occasions when the club's licence to use the premises expires, or is withdrawn, the provisions of s. 4 of the Licensing Act, 1921, do not apply.

We shall be very glad for your valued opinion at your earliest convenience and if you take the view that r. 4 as drawn is ambiguous and open to abuse we shall be obliged for your view if this rule was substituted by one to the effect that the proprietors would supply the club with premises only from Mondays to Fridays. We would add that the assistant to the clerk to the justices where the return is made has raised no objection and agrees with our view. NAY.

Answer.

This question illustrates again the difficulties of interpretation where in different contexts the word "club" suggests an association of people drawn together to advance certain objects (*vide* Licensing (Consolidation) Act, 1910, s. 92) and where it suggests the premises used by that association as a meeting place (*vide* Licensing Act, 1921, s. 4).

It seems to be well settled in practice (and the law contains nothing to prohibit it) that two or more separate and distinct clubs may be registered at the same "address," the rules of each club prescribing the days on which the particular club shall have "occupation." It seems also to be well established in practice that a club may be registered at an "address" where meetings of the club are held with infrequent regularity (say, on the second and fourth Fridays in the month).

On the strength of these practical considerations, and with no decision of the High Court to furnish a guide, our opinion is that a club may be registered in conditions, as contained in the club's rules, that on certain occasions the registered "address" of the club shall not be available for the club's use and shall on these occasions revert to private use.

We do not think that the case of *Caldwell* v. *Jones* (1923) 87 J.P. 130, has any application in this case.

8.—Licensing—*Renewal not applied for at general annual licensing meeting—Renewal, transfer, etc., at adjourned meeting.*

The following position was brought to my notice today and I shall be grateful for your learned opinion on the points which arise from it.

Last January, A, a farmer, purchased the freehold of a country public house from B, the tenant being C. Immediately after he had bought the house, A publicly said he should let the licence lapse, and before the general annual licensing meeting, C notified me he was not applying for a renewal. The licence therefore was not renewed. Today A informed me he had changed his mind and wishes to keep the house licensed although it does not pay to do so (it is not worth the excise duty). His reason is that he finds there is an outcry against the house being closed because the next public house is some two miles away. Incidentally the house is in very bad repair and for that reason must be closed for some time.

I am assuming that a renewal can be granted at the adjourned meeting on March 3, at which a transfer of the existing licence must first be granted from C to A.

1. Am I correct in this assumption ?

2. If owing to C having left the district, it is impossible to get his consent to a transfer in time, I assume a new licence cannot be granted to A this year. What would be the position if C having no further interest refuses to co-operate at all ?

3. The house is now empty and must be closed for some time pending repairs. How long can be allowed for it to be closed?

4. At present A who, of course, will never live at the house himself, has no tenant in view, but I assume on A's application for a transfer the police would be justified in waiving the required notice, since A is well known in the district and is acting in the public interest.

5. A had intended to use the house as a service cottage for his farm. I am advising him not to do this if he applies for a licence, since (*a*) if he transferred the licence to his farm man and this man ceased to be employed by him and refused to agree to a transfer on leaving, complications would arise, and (*b*) if A retained the licence and made the man his manager, he would be responsible for any irregularity which arose: furthermore the duties of a farm man and licensee would be often at variance and might be difficult to reconcile.

Do you agree? Now.

[This query was answered by post in February.—*Ed., J.P. and L.G.R.*]

Answer.

1. Renewal may be granted at the adjourned general annual licensing meeting, which is deemed to be a continuation of the general annual licensing meeting (Licensing (Consolidation) Act, 1910, s. 10 (4)). Transfer to A may be granted at the same meeting.

2. Although it is usual in practice, it is not a specific requirement of the law that the consent shall be obtained of a transferee who has ceased to be interested in the licensed business. The attendance of the transferee may be dispensed with under the proviso to s. 25 (2) of the Licensing (Consolidation) Act, 1910.

3. There is no law preventing licensed premises being closed pending repairs. In our opinion, it is proper that the licensing justices shall be asked to agree to the closing of the licensed premises for such length of time as is thought to be reasonable, having regard to the nature and extent of the repairs to be carried out.

4. The requirement that fourteen days' notice of application for transfer shall be given is mandatory. But it is usual to correct a short notice by adjourning the application under s. 25 (1) of the Licensing (Consolidation) Act, 1910.

5. We agree.

9.—Local Government Act, 1933, s. 37—*Wards of urban district—Principle of boundaries.*

Can you refer us to any Act or case laying down the principles upon which the alteration to boundaries should be made? For instance where new housing estates have been constructed in an urban district, should the proposed boundaries as far as practicable sub-divide the district so that each separate housing estate as far as possible becomes a separate ward? If you are unable to refer us to any case on the the subject, can you refer us to any text book? A. WEDGE.

Answer.

We do not think there is any case or text book that would help. In a borough, the commissioner under s. 25 (5) must have regard to the number of electors and net annual value, but this does not mean that he cannot regard other factors. Under s. 37 the county council can take into account any factor they think relevant; we doubt whether the housing estate as such has any particular relevance to the purposes of this section.

10.—Magistrates—*Excise penalties—Effect of decision in Brown* v. *Allweather Mechanical Grouting Co., Ltd.*

In December, 1952, in this division, a prosecution was successfully brought under the Game Licence Act, 1860, s. 4 which provides that a person who fails to take out a licence as required by that section shall forfeit the sum of £20, which by s. 3 is an excise penalty.

In the recent High Court decision of *Brown* v. *Allweather Mechanical Grouting Co. Ltd.* [1953] 1 all E.R. 474; 117 J.P. 136, it appears that a petty sessional court has no authority to levy an excise penalty but that the penalty should be recovered in a civil court.

In view of this case, we would value your opinion on the following points:

1. Irrespective of the penalty was the conviction proper under this section?

2. What should be done with the £20 penalty which has been paid—should it be refunded or handed over to the county council? Similarly what is the position of subsequent defendants who have been convicted and are paying the penalty by instalments but have not yet started? J. POPGUN.

Answer.

We think it is important not to read into this case more than it actually decided, which was that proceedings to recover a penalty under s. 13 (2), Vehicles (Excise) Act, 1949, were not proceedings in respect of an offence punishable on summary conviction within the meaning of s. 5 Summary Jurisdiction Act, 1848. In the judgment it is stated that the Excise Management Act, 1827, applied to proceedings under the said s. 13 (2); s. 65 of the Act of 1827 detailed a procedure for the recovery of excise penalties before justices. The concluding paragraph of the judgment, expressing the Lord Chief Justice's views of the effect of the decision on other proceedings, should be noted.

In our view penalties which have been imposed stand until they are legally set aside and our answers are:

1. Proceedings could properly be taken before justices to recover this penalty.

2. Penalties received should be handed to the county council, and penalties imposed should be paid in the normal way.

It is to be noted that the Excise Management Act, 1827, is repealed by the Customs and Excise Act, 1952, and s. 283 (2) of the latter Act seems now to regulate the recovery of excise penalties.

11.—Music, etc., Licence—*Grant of licence to hirer of hall for use for public music, etc.*

I shall be obliged for your opinion in connexion with the issue of a music and dancing licence for a local drill hall, owned and occupied by a local Territorial Association. Up to this year's licensing committee meeting, an annual music and dancing licence has been held in respect of the premises by the secretary of the Association. Probably to evade the responsibility attached to the licence, the secretary now suggests that, each time the hall is hired, the hirer should take out a licence under Part IV of the Public Health Act, 1890, s. 51. Is this possible, or should the licence be taken out by the owner/occupier as before? Reference to any cases in support of your opinion would be appreciated. NEWA.

Answer.

Paragraph 11 of s. 51 of the Public Health Act Amendment Act, 1890, seems to be designed to give effect to such a scheme as is suggested by the secretary of the Drill Hall.

12.—Probation—*Probation or conditional discharge—Commission of further offence.*

I should be pleased if you would give me an answer to the following questions:

1. A juvenile appears at court upon a charge of larceny and is placed on probation for two years. Three months later he again appears at court upon a similar charge. In dealing with the juvenile on the second charge, can the magistrates in inflicting a fine of £1 also immediately fine him £1 for offence no. 1? The justices are not asked to take the breach of his probation order into consideration.

2. In a case of a conditional discharge could the justices act similarly in their decisions? SPENCE.

Answer.

It is assumed that the second charge referred to is in respect of an offence committed after the making of the probation order, and not in respect of an older offence recently discovered. On that assumption, s. 8 of the Criminal Justice Act, 1948, applies. If the second court is the original court which made the probation order or is the supervising court, s. 8 (5) applies, and if it is some other court of summary jurisdiction s. 8 (7) applies. It is not necessary for anyone to ask the court to take the former offence into consideration; upon the necessary proof being given and the provisions of the section being complied with, the powers conferred may be exercised. The same applies to conditional discharge.

It must be remembered that a conviction of a further offence cannot be used for the purposes of s. 6, *see* s. 6 (6).

13.—Road Traffic Act—*Excise licence—Allegation of use of vehicle without licence—Onus of proof that no licence exists.*

A defendant in Northern Ireland has been prosecuted for that on a certain day and public place he drove a motor car for which a licence, as required by s. 13 of the Roads Act, 1920, was not in force. The only evidence given by the prosecution is that, on the date and place alleged, defendant drove the car and that no licence was attached to the vehicle.

At the conclusion of this evidence the defendant's solicitor has asked the magistrate for a direction that there is so case to answer because the evidence only discloses an offence (not charged) of not attaching the current licence to the vehicle contrary to the Road Vehicles (Registration and Licensing) Regulations. The fact that proof of certain other facts (not here material) is by the same s. 13 (3) of the Roads Act placed on the defendant shows that proof of the fact alleged here must be proved by the prosecution.

It is urged in reply that the evidence that no licence was attached to the vehicle as required by law was also circumstantial evidence that no current licence existed because of the statutory obligation to display it if it did exist. If there was no obligation to display it absence of the licence would not be circumstantial evidence of the offence here charged. Moreover, it is urged, as the fact that the licence is in force or not is one peculiarly within the defendant's knowledge this case belongs to the class where very slight evidence for the prosecution shifts the onus to the defendant—*R.* v. *Turner* (1816) 5 M. & S. 206 mentioned in Cockle's *Cases on Evidence* (5th edn.), p. 139. It would

be placing a too severe burden on the prosecution to produce evidence from the appropriate licensing authority as to whether a licence was in force in such cases as this. The appropriate licensing authority would be determined by the place where the vehicle was ordinarily kept. The registration number on the vehicle would only indicate where the vehicle was first licensed; change of ownership or of the owner's address, since then, would alter the appropriate licensing authority. The driver may not be the owner.

The case has been adjourned for decision on the defending solicitor's application.

Is the evidence tendered by the prosecution sufficient to require answer by the defendant and, in default of such answer, sufficient to justify conviction for the offence charged?

Reference to any relevant decision will be appreciated. JYP.

Answer.

We think this comes within the class of case in which the onus is on the defendant to prove that a licence was in force, it being a matter peculiarly within his knowledge (*see R.* v. *Scott* (1922) 86 J.P. 69 and other cases therein referred to).

The evidence tendered by the prosecution is sufficient, in our view, to justify conviction in the absence of proof by the defendant that a licence was in force.

14.—Road Traffic Acts—*Stopping at the request of a police constable in uniform—Request made at night by a "stop" device at the back of a police car.*

A police constable in uniform was driving a police saloon car which was fitted with illuminated signs at the front and rear. The front sign showed the word "Police" in white on a blue ground, and the rear sign the word "Police" in red on an opaque ground. During the hours of darkness the police car chased and overtook a car which was exceeding the speed limit, and pulled in front of him and switched on a sign which showed the word "Stop", in red, below the word "Police" on the rear sign of his car. The driver took no notice of this, and overtook the police car. The police car then overtook again, and switched on the word "Stop", and so on.

In your view did the driver of the car commit an offence under s. 20 (3) of the Road Traffic Act, 1930, by failing to stop his motor-car on being so required by a police constable in uniform? JUP.

Answer.

We hesitate to predict what view the High Court would take on this point. Our view is that the basis of s. 20 (3) is that the constable is in uniform, and can be seen to be in uniform by the person to whom his request is made. We do not think that a police car can be substituted as the outward and visible sign that the occupant is a police constable in uniform, and we doubt whether the driver of another vehicle, at night, can see whether the police driver is in uniform. The form of signal used in this case is not dealt with in the Highway Code and, so far as we are aware, is not in general use. On the whole we doubt whether any offence against s. 20 (3) has been committed. There are other ways of dealing with any offence of exceeding the speed limit.

15.—Road Traffic Acts—*Warning of possible prosecution—Given when driver first seen by police nine days after alleged offence.*

A number of school children were crossing a road, in line, two abreast, with a master in charge of them, when a motor cyclist cut through the line causing two of the children to step back on to the footpath to avoid an accident. The master shouted to the rider of the motor cycle and noted the registration mark and number. The motor cyclist appeared to be amused over the incident, did not stop, but accelerated. The matter was reported to police by letter, dated the same day, but received two days later. The necessary inquiry was commenced and the motor cyclist interviewed by police on the ninth day after the occurrence. He admitted being the person concerned, and was given the warning formula under s. 21 of the Road Traffic Act, 1930, which he signed in the interviewing officer's pocket book, but declined to make any statement. The inquiry was not completed until the twentieth day after the occurrence, and as no notice of intended prosecution had been served, proceedings were not instituted for an offence under s. 11 or 12 of the Road Traffic Act, 1930. In my opinion, proceedings could have been taken in view of the fact that the motor cyclist was given the warning formula under s. 21 at the time he was interviewed by the police.

Your valued opinion on the above would be appreciated. JUMP.

Answer.

To be effective for the purposes of s. 21 the warning must be given "at the time the offence was committed". The case of *Jeffs* v. *Wells* 100 J.P.N. 406, cannot be said to cover a warning given nine days after the alleged offence had been committed. We think that s. 21 could successfully have been relied upon as a bar to any conviction under ss. 11 or 12 in this case.

16.—Tort—*Trespass by cattle—Ownership of boundary ditch.*

Two adjacent fields which are separated by a hedge and ditch belong to separate owners, A and B. A claims the ownership of the hedge and ditch, following the presumption that at some time a previous owner has cut to the extremity of his own land and thrown the soil which he has dug out upon his own land and planted a hedge on the top of the soil thrown out. A finds he frequently has to clean out this ditch, at much expense, owing to cattle belonging to B trampling this soil into the ditch. A cannot fence off the ditch without trespassing on B's land and B won't assist. Can A sue B for trespass if B's cattle continue to trample the soil into the ditch? If so, this would entail on B the expense of erecting and maintaining a fence on his own land to prevent trespass. A.D.

Answer.

Assuming the ditch to be A's property, as to which not only the presumption mentioned but the "frequent" work done by A upon it has a bearing, A can sue B for damages and/or an injunction: *Ellis* v. *Loftus Iron Co.* (1874) 39 J.P. 88; *Theyer* v. *Purnell* (1918) 119 L.T. 285.

17.—Town and Country Planning—*Conditional permission—Excavation of land above road level.*

X, who is a builder, owns a plot of land abutting on a county road which it is proposed to widen at some future date. The county council, who are the local planning authority and the highway authority, granted planning permission to X to erect houses on his land subject to various conditions, one of which was that the part of the land between the proposed line of widening and the existing highway should be excavated to the level of the highway before the erection of the dwelling to which it fronted. It has now been suggested that the imposing of this condition is illegal as being irrelevant to the purposes of the development authorized by the permission, and as having been imposed for the benefit of the council's road widening scheme. It appears to me that the council as local planning authority can legally impose a condition of this nature under the powers contained in s. 14 (1) as extended by s. 14 (2) (*a*) of the Town and Country Planning Act, 1947. The width and gradient of the road as it now exists are such that in the opinion of the county council planning permission to erect houses would have to be refused altogether, because of the dangers from standing traffic which the development would cause. AUROL.

Answer.

We do not think the condition is *ultra vires*. Its reasonableness will depend upon the facts of the particular case.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. (*contd.*)

SURREY PROBATION AREA

Appointment of Full-time Male Probation Officer

APPLICATIONS are invited for the above appointment in the Surrey Probation Area.

The appointment will be subject to the Probation Rules, and the salaries will be in accordance with those Rules, subject to superannuation deductions.

Written application, with the names and addresses of not more than three persons to whom reference may be made, should be submitted not later than July 2, 1953. Forms of application may be obtained from the undersigned.

E. GRAHAM,
Secretary of the Surrey
Probation Area Committee.

County Hall,
Kingston-upon-Thames.

COUNTY BOROUGH OF READING MAGISTRATES' COURTS COMMITTEE

Appointment of Justices' Clerk

APPLICATIONS are invited from persons qualified in accordance with s. 20 of the Justices of the Peace Act, 1949, for the appointment of whole-time clerk to the justices in the above County Borough, the population of which is 115,400.

The salary will be such as the Committee may determine within the appropriate scale contained in the award of the arbitration tribunal at present considering the salaries of whole-time justices' clerks. The appointment will be superannuable and subject to three months' notice on either side. The successful candidate will be required to pass a medical examination.

Applications, giving age, qualifications and experience together with two recent testimonials, must be received by me not later than July 4, 1953, in an envelope marked "Justices' Clerk."

R. H. LANGHAM,
Clerk to the Magistrates' Courts
Committee.

Sessions House,
Valpy Street,
Reading.

COUNTY OF LEICESTER

SOLICITOR required for conveyancing and general legal and administrative work in the office of the Clerk of the County Council; advocacy an advantage. Salary according to experience. Write, giving particulars of age and career, to the County Clerk, Grey Friars, Leicester, not later than June 27, 1953.

When replying to advertisers please mention the Justice of the Peace and Local Government Review

CITY OF MANCHESTER

Appointment of Whole-time Male and Female Probation Officers

APPLICATIONS are invited for the appointment of a Whole-time Male and Female Probation Officer.

Applicants must not be less than twenty-three nor more than forty years of age, except in the case of a serving probation officer.

The appointments will be subject to the Probation Rules, 1949 to 1952, and the salaries will be according to the scales prescribed by those Rules.

The successful applicants will be required to pass a medical examination.

Applications, stating age, present position, qualifications and experience, together with not more than three recent testimonials, must reach the undersigned not later than July 4, 1953.

HAROLD COOPER,
Secretary of the Probation Committee.

City Magistrates' Court,
Manchester, 1.

BOROUGH OF WORKINGTON

Appointment of Town Clerk

APPLICATIONS are invited from Solicitors having previous experience in local government and administration for the appointment of Town Clerk. The salary will be at the rate of £1,325 per annum rising by four annual increments of £50 to a maximum of £1,525 per annum. Hitherto the Town Clerk has been appointed by the Port Health Authority to its clerkship and the successful applicant shall accept this appointment if offered to him. All fees, commissions and other emoluments received by the Clerk (with the exception of fees received in respect of the canvass for the register of electors) shall be paid into the rate fund.

The appointment will be in accordance with the recommendations of the Joint Negotiating Committee for Town Clerks and District Council Clerks as to salary and conditions of service, and will also be subject to the provisions of the Local Government Superannuation Acts, and to termination at any time by three months' notice on either side. The successful candidate will be required to pass a medical examination.

Applications, giving particulars of age, qualifications, experience, previous and present appointments together with two testimonials, must be delivered to the undersigned in envelopes endorsed "Town Clerkship" not later than Tuesday, July 14, 1953.

The Council intend that canvassing in any form will be a disqualification. Applicants must state whether, to their knowledge, they are related to any member or senior officer of the Council.

If required the Council will give all possible assistance towards the provision of housing accommodation for the person appointed. The person appointed will be required to reside within the Borough.

JOHN R. COCKFIELD,
Town Clerk.

Town Hall,
Workington.
June 10, 1953.

BEESTON AND STAPLEFORD URBAN DISTRICT COUNCIL

Assistant Solicitor

APPLICATIONS are invited for the established post of Assistant Solicitor. Salary—Grade VII, A.P.T. Division. Appointment subject to National Scheme of Conditions of Service.

Candidates should be competent conveyancers and advocates. Local Government experience desirable.

Applications, with names of three referees, should reach me not later than June 27, 1953.

H. D. JEFFRIES,
Clerk of the Council.

Town Hall,
Beeston,
Nottingham.

CUMBERLAND MAGISTRATES' COURTS COMMITTEE

Whole-time Assistant to Justices' Clerk at Workington

EXPERIENCE in work and methods of Justices' Clerk's office essential.

Salary £465 per annum × £15—£510 per annum. N.J.C. Service conditions; post pensionable, medical examination.

Apply, giving age, education, appointments held (with dates and salaries) and names of two referees, to me by June 30, 1953.

Canvassing disqualifies.

G. N. C. SWIFT,
Clerk of the Committee.

The Courts,
Carlisle.

CITY OF LIVERPOOL

Appointment of City Coroner

APPLICATIONS are invited for the above appointment (whole-time), salary £2,000 per annum. Applicants must be barristers, solicitors, or legally qualified medical practitioners (*i.e.*, registered medical practitioners), of not less than five years' standing in their profession.

The appointment will be subject to the provisions of the Municipal Corporations Act, 1882, and the Coroners Acts, 1887 to 1926. Canvassing disqualifies. Application forms (and further particulars) obtainable from me, should be returned by July 1, 1953.

THOMAS ALKER,
Town Clerk.

Municipal Buildings,
Liverpool, 2. (J.A. 3238).

GOLD COAST LOCAL CIVIL SERVICE

GOVERNMENT OF THE GOLD COAST

THERE is a vacancy for a Chief Youth Officer in the Department of Social Welfare and Community Development in the Local Civil Service of the Gold Coast.

Candidates should have attended a training course in youth or community centre work, and have had training and considerable experience in youth leadership, together with either a degree, University Certificate, or Diploma, in Social Science; a qualified non-graduate teaching qualification may also be accepted. The person appointed will be required to advise on, and stimulate, the formation of Youth Clubs and organizations in urban and rural areas and to plan and initiate the establishment of permant youth training camps.

Appointment on temporary agreement for two tours of 18-24 months each, with salary £1,730 and a gratuity on satisfactory completion of service. Quarters at low rentals. Free passages for officer, wife and three children under thirteen. Income tax at low local rates.

Application forms and further particulars available from the Director of Recruitment (Colonial Service), Colonial Office, Great Smith Street, London, S.W.1. Reference CDE 130/13/05 should be quoted. Closing date for receipt of initial inquiries, July 4, 1953.

BEDFORDSHIRE

Appointment of Chief Constable

THE Standing Joint Committee for Bedfordshire invite applications for the appointment of Chief Constable of the County. Applicants must, except in special circumstances, be under forty-five years of age and have previous police service.

The salary scale will be £1,720 per annum rising by £60 annually to £1,900 and commencing at a figure according to experience at the discretion of the Committee. The appointment is subject to the Police Regulations for the time being in force. Canvassing will be a disqualification.

Forms of Application and Conditions of Service may be obtained from my Office and must be received by me on or before Tuesday, June 30, 1953.

GEORGE BREWIS,
Clerk of the Standing Joint Committee.

Shire Hall,
Bedford.

CORPORATION OF LONDON

Town Clerk

APPLICATIONS are invited for the office of Town Clerk of the City of London. The salary of the Office is £3,500 per annum, rising two biennial increments of £250 each, in the discretion of the Officers and Clerks Committee, to a maximum of £4,000 per annum. The appointment will take effect from January 1, 1954.

The age of Candidates must be not less than 35 years nor more than 50 years on January 1, 1954. Full particulars of the Office and forms of application may be obtained from the Town Clerk, 55/61, Moorgate, London, E.C.2. Applications on the prescribed form must reach the Town Clerk's Office not later than noon on Monday, August 31, 1953.

PICKFORD.

DEVON PROBATION AREA

Appointment of Full-time Male Probation Officer

APPLICATIONS are invited for the appointment of a Full-time Male Probation Officer for the County of Devon.

Applicants must not be less than 23 nor more than 40 years of age, except in the case of a serving officer.

The appointment will be subject to the Probation Rules, 1949–1952, and the salary will be in accordance with the scales prescribed by these Rules.

The successful applicant will be required to pass a medical examination and must be prepared to reside where required by the Committee. In the first instance this will be in the South Devon area. The ownership of a motor-car will be desirable but is not essential.

Applications, stating age, present position, qualifications and experience, together with copies of not more than three recent testimonials, must reach the undersigned not later than July 11, 1953.

H. G. GODSALL,
Secretary of the Probation Committee.

The Castle,
Exeter.
June 8, 1953.

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